

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CIVIL WRIT PETITION NO.29899 OF 2018

DATE OF DECISION: NOVEMBER 27, 2018

Dr.Vijay Gotwal

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.HPS Sandhu, Advocate for the petitioner.

<><><>

TEJINDER SINGH DHINDSA, J.

Pleadings on record indicate that the petitioner is an MBBS Doctor and thereafter had joined the post graduate course i.e. M.D. in Pulmonary medicine. Petitioner had appeared earlier in the final year examination of the aforementioned M.D.course in May/June 2018 and the result of which was declared on 16.7.2018. Apparently, petitioner did not secure the requisite marks.

The instant petition has been filed raising a grievance that the evaluation of the answer scripts conducted by Baba Farid University of Health Sciences was in violation of the procedure prescribed by the Post Graduate Medical Education Regulations 2000 and as framed by the Medical Council of India. Case in a nut-shell put forth by the petitioner is that the respondent-University has resorted to e-evaluation of the answer scripts, whereas it ought to have been done by examiners manually. In

support of the prayer made in the instant petition, learned counsel would rely upon orders passed by this Court in identical situations i.e. in Civil Writ Petition Nos.28727 and 20401 of 2018 and which have been appended along with the petition at Annexures P3 and P4 respectively.

Having heard learned counsel for the petitioner at length and having perused the pleadings on record, this Court is not inclined to accept the prayer made in the petition.

Undoubtedly, with regard to the issue as regards e-evaluation as opposed to manual checking, this Court has passed orders in previous writ petitions leaving it to the discretion of the University as to whether answer scripts would be evaluated afresh manually or by way of e-evaluation. Furthermore, at the stage of passing of the previous orders, it had been made clear by this Court that the directions being issued would not be treated as a precedent and the same are being passed in view of the urgency involved as the next batch of MD/MS course is to commence.

Mr.Sandhu, learned counsel for the petitioner apprises the Court that the next batch for MD/MS course has already commenced w.e.f. 19.11.2018. On a specific query having been put, the learned counsel has also very fairly conceded that the petitioner has already participated in two supplementary examinations with an objective to improve his result that was declared on 16.7.2018.

The facts noticed hereinabove would clearly indicate that the petitioner has accepted the method of e-evaluation in terms of result declared on 16.7.2018 and by a conscious decision

has even appeared in the supplementary examinations to facilitate an improvement in his score.

In the considered view of this Court, the petitioner cannot be permitted to gain impetus from the orders passed by this Court in writ petitions filed earlier in point of time and at the hands of such Doctors who may be similarly situated. Those petitions were filed by Doctors prior to participating in the supplementary examination. The present petitioner would be seen as a fence sitter. Cause of action to the petitioner had accrued in the month of July 2018 itself. He has chosen to remain quiet for all this time. Even the supplementary exams for the MD course of pulmonary medicine have commenced and the petitioner has already participated in the same. It is too late in the day to accept the prayer raised in this petition.

Under such circumstances, this Court is of the view that the additional prayer made by the petitioner seeking a writ of certiorari for quashing the result of the theory paper dated 16.7.2018, Annexure P2, alleged to be in violation of the procedure prescribed by the Post Graduate Medical Education Regulations 2000 need not be gone into.

Petition dismissed.

NOVEMBER 27, 2018
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note:	<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
	<i>Whether Reportable:</i>	<i>Yes/No</i>