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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2659/2017**

KAMAL KIRTI

..... Petitioner

Through: Petitioner in person.

versus

UOI AND ANR

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.10.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under :-

“Direct the Respondent No.2 to have re-evaluation of paper II of the Petitioner from an expert of its choice or from some professor of reckoning in Patent Law from National Law School or of any other Institute, alternatively, this Honourable Court may have re evaluation of Paper II from an expert of any institute giving him the suggested answers as may be provided by the Respondent No.2;”

2. The petitioner had appeared for the Patent Agent Examination, 2016 held on 27.11.2016. The petitioner's answer sheets were evaluated. Although, he had secured 83% marks in Paper I, he secured only 46% marks in Paper II. Accordingly, the petitioner did not achieve the minimum threshold marks of 50% as required to qualify for appearing in the *viva-voce* test.

3. Thereafter, the petitioner filed an application dated 23.01.2017 under the Right to Information Act, 2005 seeking copies of the evaluated answer sheets. These were supplied to him on 15.02.2017. On examination of the copies of the evaluated answer sheets, the petitioner found that his answers to question nos.5, 6 and 7 of Paper II were not wrong. He also obtained opinion from the experts to the aforesaid effect.

4. According to the petitioner, he should have been awarded 59% in Paper II and, therefore, would have qualified for appearing for the *viva-voce* test.

5. The petitioner claims that the said evaluation is arbitrary and unreasonable.

6. The petitioner, who appears in person, has referred to the copy of the relevant answer sheet and drew the attention of this Court to his answer to question no.6. He submitted that the said question was in two parts, but he was awarded marks for only one part (the second part) and no marks had been awarded to him for the first part. He submitted that, in essence, he was not seeking re-evaluation of his examination paper but only insisting that all his answers be evaluated.

7. He also referred to the decision of the Supreme Court in ***Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors.:* (2018) 2 SCC 357** and submitted that the answer sheets would clearly demonstrate that the evaluation has been arbitrary and unreasonable.

8. The contentions advanced by the petitioner are unmerited. Although,

the petitioner may have merit in the contention that he ought to have been awarded additional marks, this Court cannot enter that controversy and evaluate the merits of the answers written by the petitioner. A plain reading of the petition also clearly indicates that the petitioner is seeking re-evaluation of his answer sheets.

9. The contention that question no. 6 of Paper “Two” was in two parts and the petitioner was not awarded any marks for one part is incorrect. The control table on the top sheet clearly indicates that separate marks were not required to be awarded for the respective answers to the two parts of question no. 6. This Court is also not inclined to examine whether the petitioner was awarded appropriate marks for his answers, as the same is not permissible. This issue is covered by an earlier decision of this Court in *Taje Sufiyah Sulaiman v. Union of India and Anr. : W.P. (C) 7721/2018 decided on 13.09.2018*.

10. Thus, for the reasons stated in the said petition, the present petition is also dismissed.

VIBHU BAKHRU, J

OCTOBER 08, 2018

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