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

Date of Decision: 03rd October, 2018

+ LPA 558/2018 & CM APPL. 40830/2018

TAJE SUFIYAH SULAIMAN

..... Appellant

Through: Mr. J. Sai Deepak with Mr. Avinash
K. Sharma, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC with
Mr. Abhimanyu Singh, Adv. for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

J U D G M E N T

RAJENDRA MENON, CHIEF JUSTICE (Oral)

CM APPL. 40830/2018 (exemption)

Allowed, subject to just exceptions.

LPA No.558/2018

1. Seeking exception to an order dated 13.09.2018 passed by the writ court in W.P.(C) 7721/2018 dismissing a writ petition filed by the appellant seeking re-assessment/re-evaluation of her answer sheet with regard to question No.1 of paper-II of the Patent Agent Examination held in the year 2016 and the writ petition having been dismissed, this appeal under Clause 10 of the Letters Patent.

2. On going through the detailed order passed, the learned writ court has held that under the statutory provision and the law laid down by the

Supreme Court in the case of *Pramod Kumar Srivastava v. Chairman, Bihar Public Service Commission* (2004) 6 SCC 714 in the absence of there being any statutory provision for re-evaluation, re-evaluation is not permissible.

3. Learned counsel for the appellant invited our attention to the guidelines formulated and the observations made by the Supreme Court in the case of *Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors.* (2018) 2 SCC 357, argued that there being no rule or regulation which either directed re-evaluation or prohibited the same, the Court is duly empowered to direct the re-evaluation and in this case re-evaluation could have been ordered. However, we find and the learned writ court also took note of the fact that examination guidelines were laid down, the policy for checking of the answer sheets were also laid down and after taking note of Para 7 of the Minutes of the said meeting where the policy was laid down, found that there shall be no re-checking of answer sheet or re-evaluation and the writ petition was rejected on such consideration.

4. Once a procedure may be a guideline or a policy for conduct of the examination is laid down and in the said policy or guideline there was a prohibition for re-evaluation or re-assessment of the answer sheet, in our considered view, the writ court has not committed any error in rejecting the writ petition. We find no reason to make any indulgence into the matter. The appeal is dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 03, 2018/kks