

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14135 of 2019

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Aakash Gautam, Son of Sri Nagendra Soo, Resident of village Chhoti Khagaul Mahadeo Asthan, P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

1. The Vice Chancellor, Aryabhatta Knowledge University Patna, Bihar
2. The Examination Controller Aryabhatta Knowledge University, Patna, Bihar
3. The Registrar Aryabhatta Knowledge University, Patna, Bihar
4. The Principal, Nalanda Medical College and Hospital, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate
		Mr. Manoj Kumar Pandey, Advocate
For the Respondents No.:		Mr. Raj Kamal, Advocate
1 and 2		

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 04-12-2019

Heard learned counsel for the parties.

2. This writ application has been filed seeking direction to the respondent authorities under the Aryabhatta Knowledge University, Patna, for re-evaluation of the petitioner's answer sheet of Anatomy papers of his MBBS 1st professional examination held in January, 2018. The petitioner was declared failed in the said examination.

3. A counter affidavit has been filed on behalf of the University stating therein, *inter alia*, that a Five Member Committee for scrutiny of paper has been constituted, headed by Dr. (prof.) Ramji Prasad, a teacher in Anatomy subject posted as



Principal, Patna, Medical College and Hospital. It has further been stated that, the Committee in its meeting held on 6.10.2018, scrutinized the said Anatomy paper and found that the answer book of the petitioner was properly evaluated and, accordingly, no change was recommended.

4. There is specific averment made in paragraph-10 of the counter affidavit that the statutory provisions of Aryabhatta University Act, 2008, do not provide for re-evaluation of answer sheets.

5. Learned counsel appearing on behalf of the petitioner has, however, submitted that Committee constituted for scrutiny of Anatomy paper consisted of five members, however, names of only four members have been mentioned in the letter dated 05.10.2018, whereby meeting of the Committee was convened. He has submitted that only one member of the said committee was an expert in Anatomy subject and rest of the members being experts in other branches, they could not have scrutinized the paper of Anatomy.

6. I have carefully perused the communication dated 05.10.2018 whereby meeting of the Committee for scrutiny was convened by the Examination Controller. From the said letter, it transpires that the Committee was constituted for the purpose of



dealing with the grievances raised by the Examinees pursuing various professional courses including Engineering, Medicine, etc. The petitioner cannot have any grievance now, as a teacher of Anatomy himself, was a member of the Committee.

7. In my view, this application has no merit, and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

