

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1948 of 2018**

- Aman Kukkar S/o Shri Brij Lal Kukkar Aged About 19 Years R/o 1187 Dhingra Street, Old Abadi, Sri Ganganagar, Tahsil Sri Ganganagar Police Station Sadar Thana Sri Ganganagar, District Sri Ganganagar (Rajasthan) Presently Residing At Shri Shankaracharya Boys Hostel, Room No. 15, First Floor, Shri Shankarcharya Institute Of Medical Sciences , Junwani , Bhilai District Durg Chhattisgarh.

---- Petitioner**Versus**

1. Pt. Deendayal Upadhyay Memorial Health Sciences And Ayush University Of Chhattisgarh Through The Registrar Great Eastern Road, Amanaka, Raipur District Raipur Chhattisgarh.
2. Shri Shankaracharya Institute Of Medical Sciences, Through The Registrar Junwani, Bhilai District Durg Chhattisgarh.

---- Respondent

For Petitioner : Shri Prateek Sharma, Advocate.
For Respondent/University : Shri NK Vyas, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/01/2019 :**

1. The petitioner failed in the subjects of Physiology and Anatomy in the MBBS First Year examination. He was qualified to appear in the said papers as supplementary candidate. He appeared in the supplementary examination of both the papers in which he could clear the Physiology subject but again failed in the subject of Anatomy. When the petitioner

applied for revaluation of the supplementary examination answer sheet, the same has been denied on the ground that there is no provision for revaluation of answer sheet of supplementary examination.

2. Referring to the first proviso of Clause-2 of Clause 18 of Ordinance No.2, learned counsel for the petitioner would submit that what is impermissible is paper as backlog candidate and not the paper in which the candidate has appeared as supplementary candidate.
3. Clause 18 (1) of the subject Ordinance provides that a candidate, who has appeared for the first time in all papers of all the subjects of an examination and whose result has been declared and is not satisfied with the valuation may apply to the Registrar in the prescribed form within 15 days from the date of the declaration of result. Proviso to sub-clause (2) reads that “ Provided also that a candidate who has appeared either in part of an examination of either annual or supplementary examination in any of the subjects or paper as a backlog shall not be eligible to apply for revaluation.”
4. A careful reading of both the clauses would indicate that first proviso to sub-clause (2) is in the nature of reiteration of what is not allowed pursuant to what is expressly allowed under sub-clause (1) of Clause-18. Even without reading first proviso of sub-clause (2), sub-clause (1) by itself is very clear that revaluation is permissible to a candidate **who has appeared for the first time**. It would clearly mean that revaluation is not permissible of any subsequent examination, be it supplementary examination or backlog examination.

5. In the considered view of this Court, the respondents have not committed any illegality in not entertaining the petitioner's application for revaluation of the supplementary examination answer sheet of the paper Anatomy.
6. The Writ Petition has no substance, the same deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve