

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6229 of 2020

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Arunesh Kumar, Son of Vinay Kant Pathak, Resident of Village- Bathanaha,
P.S.- Bathanaha, District- Sitamarhi.

... .. Petitioner/s

Versus

1. Aryabhatta Knowledge University Mithapur, Patna through its Vice Chancellor.
2. The Vice Chancellor, Aryabhatta Knowledge University, Mithapur, Patna.
3. The Examination Controller, Aryabhatta Knowledge University, Mithapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kripa Nand Jha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-06-2020 Heard learned counsel for the petitioner and the respondents.

In order to maintain consistency, the present writ application is disposed of in terms of order dated 14.12.2018 passed in C.W.J.C. No. 23858 of 2018 (Annexure-5), which is quoted herein below:

“Heard learned counsel for the parties.

2. The petitioner is seeking a direction to the Aryabhatta Knowledge University, Patna to re-check and re-evaluate the answer-sheets of his Pathology Theory Paper I & II and Pharmacology Theory Paper I & II since he has a grievance that the marks awarded in the said papers are much below his expectations. Whether or not there is provision for reevaluation of the answer-sheets and whether such direction can be issued



by this Court in a proceeding under Article 226 of the Constitution of India were the issues involved in CWJC No. 5217 of 2018 (Sahil Raj Vs. Aryabhata Knowledge University, Patna and others). Dealing with the said issues, this Court in the judgment and order dated 05.04.2018 has held in paragraph 8 as follows:-

“8. The scope of judicial review, in such matters, is very limited. The Court cannot sit as an appellate authority over the decision of the Experts. There is no statutory provision, which mandates the University to undertake re-evaluation of an answer sheet. However, under Article 21(d) of the Statutes of the University, the Vice-Chancellor is empowered to order for re-evaluation of the answer- books, if he is satisfied that the evaluation of the answer book has not been done fairly or evaluation has been done in violation of the provisions of the Statutes/Regulations/Ordinance/Rules.”

3. Situated thus, this application is disposed of with the only observation that if the Vice-Chancellor feels satisfied that evaluation of the answer-book has not been done fairly or the evaluation has not been done in violation of the Statutes/Regulations/Ordinance/Rules, he may take appropriate decision, in this regard upon representation if filed by the petitioner within one week from today. Since decision of the Vice-Chancellor will be decisive



as to whether the petitioner could appear in next professional examination or not, the Court expects that the Vice-Chancellor shall take decision expeditiously. “

The respondents are directed to take appropriate decision in term of order dated 14.12.2018 with regard to the claim of the petitioner.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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