

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21842 of 2019

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Torsha, D/o Satya Prakash Sinha, Resident of Near S.B.I. Rajvanshi Nagar,
Flat No. G-1/B, Girija Garden, New Punaichak, P.s.- L.B.S. nagar, Distt.-
Patna-800023

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health and Family Welfare Department, Govt. of Bihar, Patna
2. The Vice Chancellor Aryabhatta Knowledge University, Bihar, Patna
3. The Examination Controller Aryabhatta Knowledge University, Bihar, Patna
4. The Principal Patna Medical College and Hospital, Patna
5. The President Junior Doctors Association (JDA) of Patna Medical College and Hospital, Ashok Rajpath, Patna
6. Medical Council of India, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prakritita Sharma, Advocate.

For the Respondent/s : Mr. S.D.Yadav, AAG 9
Mr. Kumar Brijnandan, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2020

Petitioner has prayed for the following relief(s):-

“a. For directing the respondent
authorities to eliminate the examination
malpractices prevalent in all Medical
Colleges falling under Aryabhatta



Knowledge University including Patna Medical College & Hospital, Patna forthwith, which are illegal and affecting the standard and quality of the post graduate students (Junior Doctors) and further direct the respondents to adopt standard norms for examination and Evaluation of the answer sheets of Junior Doctors at part with the guidelines being adopted by National Board of Examination (NBE).

b. To issue writ in the nature of mandamus, directing the authorities concerned of Aryabhatta Knowledge University, Bihar, Patna to make alternative arrangements in the existing Examination System by sending the Answer Sheets outside from the State of Bihar as the failed Junior Doctors negotiate and pressurize the Examiners in order to get them passed in their respective final Examination.

c. And to grant any other or further reliefs the Hon'ble Court may deem fit and proper in the interest of justice.”

From the counter affidavit, dated 02.12.2020, filed by respondent no. 4, it is apparent that the Three-man Committee, constituted for examining of reforms to be brought in the examination system, has submitted its report. The report of Committee dated 12th February 2020 is extracted



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ज्यादा MCI में न्यूनतम 50% External Examiners का प्रावधान है जिसको ध्यान में रखते हुए परिस्थिति अनुसार 50% से अधिक External Examiners के रूप में नियुक्त किया जा सकता है तथा उसकी संख्या-100% भी किया जा सकता है। पूरे Practical & Viva Examination में विडियो रिकॉडिंग की व्यवस्था हो ताकि पारदर्शिता बनी रहे।	
6. विनंगोष्ठ्या का पद भी एक महत्वपूर्ण प्रशासनिक पद है तथा सभी परीक्षाओं में उनकी अहम भूमिका होती है। अतः विफलिता महाविद्यालय के प्राचार्य को वरीयता के अलावे प्रत्यापक के Integrity एवं Efficiency को देखते हुए विनंगोष्ठ्या के रूप में कार्य करने हेतु प्राधिकृत किये जाने का प्रावधान सरकार के स्तर से किया जाना चाहिए।	प्रधान सचिव द्वारा इस पर अलग से विचार करने की आवश्यकता बतलाई गयी।

धन्यवाद ज्ञापन के साथ बैठक की कार्यवाही समाप्त हुई।

24/12/2020
(संजय कुमार)
प्रधान सचिव

ज्ञापक-1/कोर्ट-63/2019-240(1) /स्वा0, पटना, दिनांक- 26/02/2020
प्रतिनिधि- प्रधान सचिव, स्वास्थ्य विभाग के प्रधान आस सचिव/अपर सचिव (प्रभाषी प्रशाखा-1), स्वास्थ्य विभाग के आस सचिव को सूचनार्थ प्रेषित।
प्रतिनिधि- डा0 मुनि नाथ सिंह, परीक्षा निगंत्रक, स्वास्थ्य संचार, बिहार, पटना/ श्री राजीव रंजन, परीक्षा नियंत्रक, आर्यभट्ट ज्ञान विश्वविद्यालय, ज्ञान परिसर, भीठापुर, पटना-800001 को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

24/12/2020
प्रधान सचिव

We are of the considered view that the interest of justice would be best met, if the respondent no. 1, namely, Principal Secretary, Health and Family Welfare Department, Government of Bihar, Patna, to examine the issue with regard to implementation of the report of the committee as also take appropriate action as per law within a period of two months



from the date of production of copy of the order.

We clarify that the present petition is not adversarial and the petitioner has highlighted the issue of vital importance, which has found favour also with the experts and thus are hopeful that the Government would effectively consider the same and takes steps for its implementation.

We close the present proceeding with the direction to the respondent no. 1 to place on record the action taken report which can be done within a period of three months.

Learned counsel for the petitioner states that the petitioner shall make available copy of the order to respondent no. 1, namely, Principal Secretary, Health and Family Welfare Department, Government of Bihar, Patna, within one week from today.

Shri S.D.Yadav, learned AAG 9 and Shri Awadhesh Kumar, appearing for the respondents, also undertake to communicate the order to the said respondent no. 1.

Liberty reserved to the petitioner to file a fresh petition on the same and subsequent cause of action, if so required and desired.

The issue as to whether a candidate undertaking any examination should be prohibited from carrying an electronic



device at the examination centre is left open to be considered by the State afresh.

Interlocutory Applications, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2020
Transmission Date	

