

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.227

CWP-15840-2019 (O&M)

Date of decision : 20.1.2020

Annette Susan Monsey

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. H.P.S. Sandhu, Advocate, for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Nitin Kaushal, Advocate, for respondent No.2 and 3.

SUDHIR MITTAL, J. (Oral)

The petitioner took admission in September, 2017 in MBBS course in respondent No.4-Christian Medical College, Ludhiana. The first year examination was held between 22.11.2018 to 26.11.2018 and the result thereof was declared on 11.1.2019. The petitioner failed in the subject of Physiology. Thereafter, she raised queries dated 24.4.2019, under the Right to Information Act, 2005, but no reply thereto was received. Hence, the present petition was filed.

A short written statement has been filed on behalf of respondents No.2 and 3.

Learned counsel for the petitioner submits that in her application dated 24.4.2019 specific questions have been asked regarding the training granted to the examiners for evaluation of the answer scripts by the method of E-evaluation. No response having been received thereto, implies that the examiners were not adequately trained to evaluate the answer scripts by the method of E-evaluation. Thus, the result is vitiated. He placed reliance upon judgment dated 15.3.2017 passed in CWP-18429-2016 titled

as 'Dr. Raj Bahadur Singh and others Vs. Medical Council of India and others'.

Learned counsel for respondents No.2 and 3 submits that adequate training has infact been provided to all the examiners. A training module is available on the website of the University, which is extremely user friendly. It takes every examiner through the entire process involved in downloading the answer sheets and evaluating them. The examiner is only required to read the answer books on computer screen and fill the marks in the columns provided for the said purpose. After evaluation, each answer script is signed electronically by the examiner and the marks of each individual question and the total are uploaded automatically by the software. This method of evaluation is foolproof as the identity of the evaluator is not revealed at any stage and thus, the examiners are isolated from the students. Moreover, the petitioner took the supplementary examination in August 2019 and made a statement in Court on 11.9.2019 that she had passed the supplementary examination and thus, the writ petition had been rendered infructuous. Accordingly, the writ petition had been disposed of and was restored only after an application was filed by the petitioner when she realized that infact she had failed in the supplementary examination also. This shows that the petitioner is aggrieved by the system of E-evaluation only if she fails in the examination, but is happy therewith if the result is in her favour. Thus, the petitioner infact has no grievance with the system of evaluation and the writ petition has only been filed because she failed in one subject.

It is not in dispute that the Medical Council of India guidelines permit evaluation of answer scripts through an E-evaluation process. In response to the allegation of the petitioner that the examiners were not adequately trained, the respondent-University has submitted that adequate training has in fact been imparted to each individual examiner. Moreover, a training manual is sent to each examiner through e-mail which facilitated the evaluation process by the examiner. In case of any difficulty, there is a helpline available for resolution thereof. None of the examiners have ever complained that they experienced any difficulty in evaluating the answer books. Thus, merely because, the petitioner apprehends that the examiners have not been adequately trained, it cannot be held so. Reliance upon judgment dated 15.3.2017 passed in CWP-18429-2016 does not advance the case of the petitioner as in the said case, there was a finding of fact that examiners had not been given any training.

That apart, it is evident that the petitioner is raising a challenge to the evaluation process only because she has failed in one subject. Had this not been the case, she would not have made a statement on 11.9.2019 that the writ petition had been rendered infructuous. The petitioner cannot be permitted to challenge the evaluation process only if the result is contrary to her expectations.

Finding no merit in the writ petition, the same is dismissed.

(SUDHIR MITTAL)
JUDGE

20.1.2020
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No