

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

CWP-3424-2019 (O&M)

Date of Decision: April 22, 2021

KIRTI

..... PETITIONER(s)

Versus

MAHARISHI DAYANAND UNIVERSITY, ROHTAK AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tanmoy Gupta, Advocate for the petitioner.

Mr. Tribhuvan Dahiya, Advocate for the respondents.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this writ petition is for a direction to the respondents for revaluation/rechecking of the answer sheet of the present petitioner in the subject of Mathematics-I (First Semester) for the course of Bachelor of Computer Application (BCA). It is the petitioner's case that her answer sheet has not been evaluated properly as marks for some of the answers have not been correctly assessed and that no marks have been given for some of the answers attempted by her.

As per the reply filed on behalf of the respondent the petitioner took the 1st semester exam for Mathematics-I for the first time in December

2011 but was unsuccessful in her attempt. Petitioner is stated to have taken the reappear exam six times thereafter but was unable to clear it. After declaration of the result of her last unsuccessful attempt on 02.02.2018, she applied for revaluation of her paper. Revaluation of the petitioner's answer sheet was carried out but the awarded marks remained unchanged. The petitioner then applied for re-checking of her answer book alleging that marks of two answers were not awarded. It is stated that as per Rule 32 of the General Rules for Examinations, a candidate is entitled to have his/her answer book rechecked within 30 days and that re-checking is done only to see if the marks awarded to various answers have been correctly added and if all the answers have been examined by the examiner and his roll number and awards have been correctly posted.

It is submitted by learned counsel for the respondents that during the pendency of this writ petition, photocopy of the answer sheet, which was attached with the writ petition, was again sent to the Assistant Professor, MAIT, Delhi and as per the comments dated 13.04.2021, received from the said Professor, there is no scope for any enhancement of the marks. Copy of communication dated 13.04.2021 to the Asst. Registrar, Secrecy Branch, M.D. University, Rohtak has been circulated on the WhatsApp group created for the purpose of video conferencing. Print out thereof be taken and attached with this file.

Learned counsel for the petitioner has tried to point out certain discrepancies in so far as the comments of the said Professor are concerned.

However, in my considered opinion, it is not for the Court to sit in judgment over the expert opinion as submitted and the marks awarded. Answer sheet of the petitioner has been evaluated thrice. No ground is made out for directions for further evaluation.

At this stage, learned counsel for the petitioner seeks to withdraw this petition with liberty to avail the remedy/remedies as may be/if any, available to the petitioner to dispute the correctness of evaluation of her answer sheet.

Dismissed as withdrawn with liberty aforementioned.

22.04.2021

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No