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W.P.No.24583 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.24583 of 2022

H.Barakath Nisha

.... Petitioner

-Vs-

1.The Registrar

The Tamil Nadu M.G.R. Medical University
No.69, Anna Salai, Guindy
Chennai 600 034.

2.The Controller of Examinations

The Tamil Nadu M.G.R.Medical University
No.Anna Salai, Guindy
Chennai 600 034.

3.The Dean

Government Medical College
Omandurar Government Estate
Chennai.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents 1 and 2 to evaluate the petitioner Anatomy Theory Paper-I (Subject Code No.526051 written on May 2022) and award marks, based on the petitioner's representation dated 20.08.2022 within the time frame by this Hon'ble Court.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents : Mr.R.Imayavaramban
for M/s.Ramalingam & Associates -RR 1&2
Mr.R.Kumaravel, Addl.Govt.Pleader-for R3



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ORDER

The prayer sought for herein is for a Writ of Mandamus to direct the respondents 1 and 2 to evaluate the petitioner Anatomy Theory Paper-I (Subject Code No.526051 written on May 2022) and award marks, based on the petitioner's representation dated 20.08.2022 within the time frame by this Court.

2. The petitioner wrote the 1st year MBBS Examination conducted by the respondent University. In the said examination, insofar as the subject Anatomy Theory Paper-I (subject code No.526051) is concerned, which was written by the petitioner in May 2022, the marks awarded to the petitioner was very low according to the petitioner and in fact she was declared 'fail' in the subject. Therefore, in order to revalue the said paper, the petitioner has sent a representation on 20.08.2022, which since was not considered by the respondent University, the petitioner has moved the present writ petition.

3. Heard Mr.K.Gandhi Kumar, learned counsel for the petitioner who submitted that, insofar as the Anatomy Paper-I is concerned, after coming to know about the low marks awarded to the petitioner in the said paper, in order to verify the same, photocopy of the answer script of the paper was applied for by the petitioner and that was furnished to her by the University. On verifying the



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said answer script, the petitioner found that in the first page, where a column like box has been provided under which the marks awarded by the examiner ie., by the first valuation or if need by the second valuation should be separately entered, in the said box which is meant for the same, where nothing has been entered and it has been left blank.

4. Therefore, the petitioner was under the impression that no marks have been awarded to the petitioner's answer script and nowhere in the answer script marks have been awarded. Therefore, there was a doubt in the mind of the petitioner that, whether the answer script of the petitioner has been evaluated by the examiner concerned of the University or not and in order to verify the same, the petitioner has moved this writ petition to seek for revaluation of the paper concerned.

5. Heard Mr.R.Imayavaramban for M/s.Ramalingam & Associates, learned Standing Counsel appearing for the respondent University who would submit that, under the University Statute, there is no provision of revaluation of the paper. Insofar as the complaint raised by the petitioner that no marks have been awarded or the very paper which is in question has not been evaluated by the examiner is concerned, the learned counsel would demonstrate before this Court that, prior to COVID-19 situation, the examiner has to evaluate the original



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answer script for entering the marks in the first page in the box which is specifically meant for entering the marks and total also would be provided. In case very low marks are awarded to a candidate, automatically the University would forward the answer script to the second evaluation and after second evaluation, the highest marks awarded by the examiner in the first evaluation or in the second evaluation would be taken into account as the final marks awarded to the candidate in the particular paper concerned.

6. The very same procedure is now being adopted, but one change is that, according to the learned Standing Counsel for the respondent University, after COVID-19 situation since physical examination or evaluation of papers could not be possible, as the examiners could not be brought to the University for making the physical evaluation, there was a change in the method of evaluation adopted by the University, which is being continued for the past two years. The University would scan the answer script of the candidate concerned and forward the same to the examiner through e-governance / on-line and the examiner is supposed to evaluate the answer script through e-governance and while evaluating the paper, there would be a box on the right side of the screen displayed as per the Standard Operating Procedure (SOP) document for Citrix VDI Access issued by the respondent University under which the examiner can enter the marks awarded to each of the question attended by the candidate



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concerned in the right side column, which is specifically meant for this purpose.

Therefore, the marks awarded by the examiner in respect of each of the paper evaluated by the examiner would be entered in the box provided on the right side of the screen of the computer or software system and the same would be recorded by the University, based on which the procedure as contemplated already where the second evaluation is required, it would be sent for second evaluation, otherwise the first evaluation marks would be taken into account. Even in the second evaluation, the same procedure ie., online / e-governance procedure would be adopted by the University.

7. I have heard the learned counsel for both sides and have perused the materials placed on record.

8. Initially the petitioner could have been under the impression that even under the online / e-governance method, the examiner could have access to the scanned answer sheet and the the first page of the answer sheet and the marks awarded by the examiner in respect of the paper concerned could have been entered. However, since no such entry has been made in the answer script ie., the first page of the answer script of the petitioner and there was no marking in any of the page awarding marks to each of the question attended by the petitioner, the doubt which has arisen in the mind of the candidate ie., the



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petitioner has triggered the petitioner to approach this Court by filing the present writ petition with the aforesaid prayer.

9. However, after hearing the learned Standing Counsel for the respondent University and also after having gone through the SOP of Citrix VDI Access of the respondent University issued in this regard, which was produced before this Court and demonstrated by the learned Standing Counsel for the University, this Court is satisfied that, through the on-line / e-governance mode if the examiner evaluates any answer script on seeing the same in the screen, when he wants to award marks, he has to enter the marks in the column provided in the right side box which would be displayed in the computer screen or software system screen and once he enters the marks that would be recorded by the University, based on which total marks obtained by the candidate in that particular paper would be concluded and accordingly results would be published by the Controller of Examinations.

10. When this is the system being adopted by the respondent University, there could be no scope for having any access either to the original answer sheet or scanned copy of the candidate concerned, where the examiner can only have access to read the answers provided by the candidate through the screen through the scan copy of the answer sheet and would enter the marks in the box



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provided in this regard as stated above on the right side of the screen of the computer. When that being so, the apprehension raised by the petitioner has no basis and therefore, on that apprehension since the petitioner has approached this Court, the prayer sought for cannot be granted. Moreover, in this case the petitioner obtained 18 marks out of 100 marks in the first evaluation and since it is very low marks, as per the University Rule automatically the answer script has been sent for second evaluation and even then the petitioner's marks improved only to 22 out of 100. Therefore, the highest of the above two ie., 22 marks has been taken into account and accordingly results were declared. Therefore, already two evaluations have been undertaken by the University in respect of the petitioner's paper viz., Anatomy Paper-I. Therefore, the question of once again re-evaluating the paper does not arise for which absolutely there is no plausible reason has been cited from the petitioner's side. Accordingly, this writ petition fails and the same is dismissed. No costs.

18. 10.2022

Index : Yes/No
Internet : Yes/No
KST



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R. SURESH KUMAR, J.

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