

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.131

**CWP-26582-2022 (O&M)
Date of decision : 21.11.2022**

Himanshi Singla and others

..... Petitioners

VERSUS

Dental Council of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Varlin Garg, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners are the students of BDS Course. They have failed in one theory paper and therefore, a representation (Annexure P-5) was submitted for review of the answer-sheets. Review has been done by re-checking the answer-sheets and the result has not changed, thus, the present writ petition has been filed.

Learned counsel for the petitioners has relied upon Rule of Re-evaluation mentioned in the Dental Council of India Regulations known as the Dental Council of India Revised BDS Course Regulations, 2007 (hereinafter referred to as the 2007 Regulations) to submit that re-checking was not permissible. In fact, he submits that the examination paper should have been re-evaluated by two different examiners as provided in the 2007 Regulations. The same having not been done, a direction may be issued to the respondent-University to abide by the concerned Regulation.

The Regulation pertaining to Re-evaluation is reproduced below:-

Re-evaluation:- The objective of re-evaluation is to ensure that the student receives a fair evaluation in the university examination and to minimize human error and

extenuating circumstances. There shall be two mechanisms for this purpose.

1. **Re-totaling:-** The University on application and remittance of a stipulated fee to be prescribed by the university, shall permit a recounting or opportunity to recount the marks received for various questions in an answer paper/papers for theory of all subjects for which the candidate has appeared in the university examination. Any error in addition of the marks awarded if identified should be suitably rectified.

2. **Re-evaluation:-** Re-evaluation of theory papers in all years of study of the BDS Course may be permissible by the university on application and remittance of a prescribed fee. Such answer script shall be re-evaluated by not less than two duly qualified examiners and the average obtained shall be awarded to the candidate and the result accordingly reconsidered. However, in those universities where double evaluation provision exists, this provision of re-evaluation will not be applicable.

A perusal of the aforementioned Regulation shows that re-evaluation would not be done in those universities, where, provision for double evaluation exists. The petitioners have not placed on record the Rules/Regulations of the respondent-University governing evaluation of question papers and thus, the petitioners have not been able to establish that re-evaluation as provided by the 2007 Regulations had to be done.

Learned counsel for the petitioners has also not been able to establish that 2007 Regulations would prevail over the Regulations of the respondent-University and thus, no relief can be granted to the petitioners.

The writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

21.11.2022
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No