

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

(137)

CWP-5781-2023

Date of decision: - 20.03.2023

Dr. Ben Cherian Mathew

....Petitioner

Versus

Baba Farid University of Health Sciences and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amandeep Singh Talwar, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of mandamus directing the respondents No.1 and 2 to conduct rechecking and reassessment of the final year examination answer sheets of paper I, paper II, paper III and paper IV of the petitioner from another examiner as the earlier evaluator had given low marks and the same were completely different from the marks given by the other three evaluators.

Learned counsel for the petitioner has submitted that for the grievance raised in the present writ petition, the petitioner had given a representation dated 13.02.2023 (Annexure P-5) to the Controller of Examination, Baba Farid University of Health Sciences, Faridkot and in the said representation, a detailed chart has been given in para No.7 to demonstrate that the marks given by Evaluator No.4 are much lower than

the marks given by the other three evaluators and has further submitted that in case the average marks given by the first three evaluators is taken into consideration, then the petitioner has crossed the threshold limit of 200 marks and in case the average of all four evaluators is taken, then, the petitioner has failed. Learned counsel for the petitioner has relied upon a judgment of Hon'ble Supreme Court in case titled as **“Ran Vijay Singh and others Vs. State of U.P. And others, reported as 2018(2) SCC 357** and a judgment of Co-ordinate Bench of this Court passed in **“Dr. Ravinder Kumar Wadhwa Vs. Maharishi Dayanand, University Rohtak”, reported as 1994(1) S.C.T. 122,** to contend that even in case there is no provision given for revaluation, revaluation can be ordered by a Court in order to meet the ends of justice. It is further submitted that the petitioner would be satisfied in case the respondents are directed to consider and decide the representation dated 13.02.2023 (Annexure P-5), in accordance with law, within a period of one month from the date of receipt of certified copy of this order.

Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with a direction to the respondents to take a decision on the representation dated 13.02.2023 (Annexure P-5), after taking into consideration the above-said judgments, in accordance with law, within a period of one month from the date of receipt of certified copy of this order.

In case, the respondent/competent authority is of the opinion that there is merit in the case of the petitioner, then, the necessary relief be granted to the petitioner as expeditiously as possible. Further, in case,

the respondent/competent authority is of the opinion that claim of the petitioner is not meritorious, then, a speaking order rejecting the said claim be passed within a period of one month from the date of receipt of certified copy of this order.

March 20, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No