

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2494 of 2024

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Shaista Anum D/o Md. Quamaruddin Ansari, Resident of Village - 9 No.
Sulish, P.S. and District - Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Aryabhatta Knowledge University, Patna through its Registrar.
4. The Vice Chancellor, Aryabhatta Knowledge University, Patna.
5. The Registrar, Aryabhatta Knowledge University, Patna.
6. The Controller of Examination, Aryabhatta Knowledge University, Patna.
7. The Principal R.D.J.M. Medical College and Hospital, Turki, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Respondent/s : Mr. Deepak Sahay Jamuar, AC to AAG-4.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 13-02-2024

Heard Mr. Sharda Nand Mishra, learned counsel for
the petitioner and Mr. Deepak Sahay Jamuar, learned AC to
AAG-4.

2. By filing the present writ application, the petitioner
has prayed for following reliefs:

(i) For issuance of writ in the nature
of mandamus for direction to the
respondents for verification or
reevaluation of the answer books to the
subject of physiology paper-I
particular the question no.6 (a) and 6
(e) of M.B.B.S. course of 1st year,
bearing Registration no.



21201217036, on the ground answer book to the petitioner has wrong examined and without properly examined answer book of petitioner, she has declared fail even correct answer to the question no.6 (a) and 6 (e) of subject of physiology paper-1.

(ii) Further issued direction to the respondents to promote to the petitioner in 2nd year in the M.B.B.S. course and allowed to appear in 2nd year M.B.B.S. course, which is going to held Feb 2024 in the meanwhile respondents university directed to verification or revaluation of the answer books of petitioner of the 1st year examination 2022 in subject of physiology.

(iii) Further give other legal consequential reliefs to petitioner as entitled in the eyes of law.

3. The petitioner is a student of RDJM, Medical College, Turki, Muzaffarpur. She appeared in M.B.B.S. 1st year examination. Soon after publication of result of the M.B.B.S. 1st year, she filed an application on 27.04.2023 before the Principal of the College in which the petitioner has challenged the answer book of 1st year examination in the subject physiology of question no.6 (a) and (e) and requested for re-valuation/re-checking of the answer books for which she deposited requisite fee of Rs.1000/-. It is further case of the petitioner that the respondent university made scrutiny in routine manner and not properly examined and again confirmed fail to the petitioner in



the M.B.B.S. 1st year examination. Further case of the petitioner is that a notification dated 29.11.2014 issued under signature of the Registrar Aryabhatta Knowledge University, Patna by which it is held that the re-evaluation of the answer book will be done as per the rule mentioned under Section 21 (d) of Chapter-1 of the statute of the university, for better appreciation, it is reproduced herein below:

“The Vice Chancellor shall be competent to order for re-evaluation of the answer books if he is satisfied that the evaluation of the answer book has not been fairly done or evaluation has been done in violation of the provisions of the Statute Regulations, Ordinance, or Rules.”

4. It is further case of the petitioner that 2nd year examination of M.B.B.S. course is going to be held in the month of February, 2024 and if the petitioner's answer book is not reevaluated or re-examined and petitioner is not declared successful in 1st year M.B.B.S. examination, she will suffer irreparable loss and injury.

5. Having heard learned counsel for the parties, in my opinion, the main grievance of the petitioner is of re-evaluation



of her 1st year examination in the subject physiology of question no.6 (a) and (e).

6. In that view of the matter, I direct the petitioner to file a detailed representation along with a copy of this order before the Vice-Chancellor, Aryabhatta Knowledge University, Patna and the Vice-Chancellor is well advised to consider the representation of the petitioner and to order for re-evaluation of paper as claimed by her and shall pass reasoned order within a period of one week from the date of filing of representation. It is made clear that non-compliance of this order may entail to contempt of court proceedings.

7. With the aforesaid observation and direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.02.2024
Transmission Date	NA

