

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15703 of 2022**

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1. Raju Kumar S/o of Ramashish Prasad Chourasia, Resident of -Bouri Sarai, P.S.-Khudagunj, District-Nalanda.
2. Sneha Kumari D/o Lalan Prasad Choudhary, Resident of - Bhikhachak Nahar Par, road no - 21, Anisabad, P.S.-Gardanibag, Distirct-Patna.
3. Premjit Kumar, S/o-Rajendra Choudhary, Resident of -Hatiya Gachhi, Saharsa, P.S.-Saharsa, District-Saharsa.
4. Pitambar Kumar, S/o Bindeshwari Sah, Resident of -Gopalpur, P.S.-Udakishagaunj, District-Madhepura.
5. Nisha Kumari D/o Anil Kumar, Resident of Pokhara Mohalla, East of Navin Cinema Hajipur, Vaishali, P.S.-Town Thana Hajipur, District-Vaishali.
6. Navneet Kumar, S/o-Sheonath Ram, Resident of-Madhapur, P.S.-Maner, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources, Government of Bihar, Patna.
3. The Director (Higher Education), Department of Human Resources, Government of Bihar, Patna.
4. The Aryabhata Knowledge University through its Vice Chancellor, Patna, Distt. Patna.
5. The Registrar, Aryabhatta Knowledge University, Patna, Distt. Patna.
6. The Examination Controller, Aryabhatta Knowledge University, Patna, Distt. Patna.
7. The Principal, Nalanda Medical College Hospital, Patna.
8. The Principal, Patna Medical College Hospital, Patna.

... .. Respondent/s

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with

**Civil Writ Jurisdiction Case No. 2549 of 2023**

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Preeti Sinha H/o Saurabh Singh, R/o- Jagdishpur, P.S.- Tilka Manjhi, District-Bhagalpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources, Government of Bihar, Patna.
3. The Director (Higher Education), Department of Human Resources, Government of Bihar, Patna.
4. The Aryabhatta Knowledge University through its Vice Chancellor, Patna, Distt. Patna.



5. The Registrar, Aryabhatta Knowledge University, Patna, Distt. Patna.
6. The Examination Controller, Aryabhatta Knowledge University, Patna Distt. Patna.
7. The Principal, Nalanda Medical College Hospital, Patna.
8. The Principal, Patna Medical College Hospital, Patna.

... .. Respondent/s

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**Appearance :**

(In Civil Writ Jurisdiction Case No. 15703 of 2022)

For the Petitioner/s : Ms. Subhangi Pandey, Adv.  
Mr. Anand Vardhan, Adv.

For the University : Mr. Nadim Seraj, Adv.

For the State : Smt. Binita Singh ( Sc 28 )

(In Civil Writ Jurisdiction Case No. 2549 of 2023)

For the Petitioner/s : Ms. Subhangi Pandey, Adv.  
Mr. Anand Vardhan, Adv.

For the University : Mr. Nadim Seraj, Adv.

For the State : Smt. Binita Singh ( Sc 28 )

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

11    07-04-2025                      Heard learned counsel for the parties.

2. Present writ petition has been filed for directing the respondent/University to recheck/re-evaluate the papers of petitioners' appeared in Post Graduate Examination for M.D./M.S.(3 years course) final year (session 2019-2022) at earliest, as supplementary examination can be held at anytime.

3. Learned counsel for the petitioners submits that the petitioners are the student of final year Post Graduation (3 years course) pursuing Doctor of Medicine or Masters respectively from Aryabhatta Knowledge University, Patna, Bihar. He submits that the final year Post Graduation Examination was conducted by the respondent-University for M.D./M.S. Examination, 2022 from 28.06.2022 and the petitioners



appeared in their respective examination. He further submits that the result of the above mentioned examination was published by the respondent-University on 31.08.2022 and to the shocking of the petitioners, they were declared unsuccessful in the result so published by the University. The results in which petitioners are seeking re-evaluation were being given herein below:-

| Sl. No. | Name           | Course & Session                        | Subject                                                   | Marks obtained |
|---------|----------------|-----------------------------------------|-----------------------------------------------------------|----------------|
| 1.      | Raju Kumar     | MS (Orthopedics) (2019-22)              | MS (Orthopedics) Paper II                                 | 34             |
| 2.      | Sneha Kumari   | MD (Obstetrics & Gynaecology) (2019-22) | MD (Obstetrics & Gynaecology) Paper IV                    | 37             |
| 3.      | Premjit Kumar  | MS (Orthopedics) (2019-22)              | MS (Orthopedics) Paper II                                 | 38             |
| 4.      | Pitamber Kumar | MD (Microbiology) (2019-22)             | MD Microbiology- III/MD Microbiology- IV                  | 38/44          |
| 5.      | Nisha Kumari   | MD (Obstetrics & Gynaecology) (2019-22) | Obstetrics & Gynaecology- III/Obstetrics & Gynaecology-IV | 45/37          |
| 6.      | Navneet Kumar  | MS (Otorhinolaryngology) (2019-22)      | ENT-II/MS (ENT)-I                                         | 50/50          |
| 7.      | Preeti Sinha   | MD (Pathology) (2019-22)                | Pathology- II/Pathology-IV                                | 26/44          |

4. Thereafter, petitioners filed a representation before the Vice-Chancellor, Aryabhata Knowledge University for re-evaluation of the papers in which petitioners flunk. Hence, this writ petition.



5. Learned counsel for the petitioners submits that the petitioners' case is squarely covered by the judgment passed by a Co-ordinate Bench of this Court in Sahil Raj Vs. Aryabhatta Knowledge University & Ors. in CWJC No. 5217 of 2018 dated 05.04.2018.

6. Learned counsel for the respondent nos. 4 to 6 submits that after receiving such complaints from the petitioners regarding the aforesaid subject matter, a scrutiny committee was constituted by the respondent authority and the said committee checked the totaling of marks and also looked unevaluated parts of the answer book, and after going through the same of all the petitioners, the said committee found that "no change" is required in the answer books of all these petitioners.

7. Petitioners during the argument brought on record that during the pendency of present writ petition, the respondent University had announced the date for supplementary examination and petitioners subsequently appeared in the supplementary examination and passed the same.

8. Heard both the parties.

9. While issuing directions for reconsideration, this Court has exercised due caution to avoid extending unwarranted or excessive sympathy towards the petitioners. It is further



clarified that, should a reassessment be conducted and the petitioner succeed therein, the marks obtained in such reassessment shall be deemed final and binding. The respondent University shall not adopt a rigid or adverse position by denying the benefit of such result on the ground that the petitioners had earlier failed in the assessment but subsequently passed in re-examination/supplementary examination.

10. Considering the facts and circumstances of the case, I dispose of this writ petition with a direction to the petitioners to deposit Rs. 50,000/- per student within a period of one week and the Vice-Chancellor of the Aryabhata Knowledge University, Patna is also directed to consider the case of the petitioners for sending the answer-sheet, in question, for re-evaluation to an expert of petitioners' subject area, who should be preferably other than the person who had earlier evaluated the same within a period of four weeks thereafter.

11. This Court clarifies that this order may not be treated as a precedent for future cases.

**(Anjani Kumar Sharan, J)**

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