

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8123 of 2025

1. Ajay Kumar Son of Shri Jawahar Choudhary, Permanent Resident of Village- Gulani, P.O.- Bhokilapar, P.S.- Hilsa, District- Nalanda, Bihar and at present residing at P.O.- Pachamba, P.S- Giridih, District- Giridih, Jharkhand.
2. Rishabh Aryan Son of Shri Surendra Kumar, Resident of Purani Chowk, Sati Asthan, P.S.- Gopalganj, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

1. The Aryabhatta Knowledge University, through its Vice Chancellor, Gyan Parisar, Mithapur, Patna-800001.
2. The Vice Chancellor, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna-800001.
3. The Registrar, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna-800001.
4. The Controller of Examinations, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Akashdeep, Adv. Mr. Shyameshwar Kumar Singh, Adv.
For the Respondent/s	:	Mr. Rana Vikram Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 09-09-2025 Heard the parties.

2. The petitioners are undergraduate students, pursuing their course of MBBS for the Sessions 2021 to 2026. Petitioner no.1 was admitted to Vardhman Institute of Medical Science, Pawapuri whereas petitioner no.2 was admitted in A.N.M. Medical College, Gaya. On being dissatisfied with their



evaluation of the answer books, they have approached this Court seeking a direction upon respondent no.2 to consider and direct for revaluation of the answer-book of Anatomy Paper I and Paper II of petitioner no.1 and Anatomy Paper I as well as Biochemistry Paper I and II of petitioner no.2 pertaining to the 1st Professional MBBS Examination, 2022(s) held in June, 2023 in terms with Section 21(d) of the Statute of University and publish the fresh marks-sheet and result thereof in accordance with law.

3. Mr. Akashdeep, learned Advocate for the petitioners submitted that on being dissatisfied with the evaluation, the petitioners have obtained their answer-sheet under the Right to Information Act, 2005 and bare perusal thereof, it is found that several answers have either not been evaluated at all or no marks have been awarded. There are overwriting with respect to some of the answers as also in the OMR sheet, besides cutting of marks etc., without there being any signature or initial of the evaluator. A precise description of such discrepancies have been noted in paragraph no.11 of the writ petition.

4. Taking this Court through the answer-sheets, learned Advocate for the petitioners further submitted that on



the face of it, it appears that the evaluation has not been done fairly. Besides various other submissions, it has been urged, *inter alia*, that the Vice Chancellor is empowered to direct for re-evaluation of the answer books under Section 21(d) of Chapter-1 of Aryabhatta Knowledge University Act, 2008, (for short 'the Act of 2008') which reads as follows:-

“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”.

5. Mr. Rana Vikram Singh, learned Advocate for the University has submitted that it is not in dispute that re-evaluation of the paper is only limited to totaling of the marks and only in exceptional cases, the Vice Chancellor of the University under the Act of 2008 can exercise such power; hence, the present case does not warrant such interference.

6. At this juncture, learned Advocate for the petitioners interjected and submitted that some of the students of different Medical Colleges have approached this Court in C.W.J.C. No.14128 of 2024 and the learned Court having noticed the discrepancies and unfairness in the evaluation,



directed for re-evaluation of the answer-sheets after completion of all the formalities, including deposit of requisite fee, in the light of the provision under Section 21(d) of Chapter-1 of the Act of 2008,

7. Considering the submissions as also the infirmities caused in evaluating the answer-sheets of the petitioners and the order passed by a Bench of this Court in identical matter, this Court directs respondent no.2, the Vice Chancellor, Aryabhata Knowledge University to consider the grievance of the petitioner, on deposition of a sum of Rs.30,000/- each, for evaluation of both the answer-sheets, as has been disclosed in para-1 of the writ petition.

8. Suffice it to observe that the evaluators shall be the expert of the subject concerned, who shall evaluate the answer-sheets immediately and submit their opinion based upon which appropriate action shall be taken.

9. The entire exercise must be completed within a period of four weeks from the date of receipt/production of a copy of this order.

10. It is made clear that this order has been passed noticing the discrepancies shown by the learned Advocate for the petitioners, only in special circumstances and shall not be



treated as precedence.

11. The writ petition stands disposed off.

(Harish Kumar, J)

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