

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14128 of 2024

1. Saanvi Raj daughter of Rajeshwar Prasad, daughter of Rajeshwar Prasad, resident of village, P.O., P.S. and District Nawada, Bihar-805110.
2. Surbhi Kumari, daughter of Ravi Kumar, Resident of village, P.O., and P.S. - Narkatiyaganj, District-West Champaran, Bihar-845455.
3. Subham Singh, daughter of Santosh Kumar Singh, Resident of village-Ahmadpur, Lakhni Chakaulai, P.O.-Bidupur, P.S. - Rajapakar, District-Vaishali, Bihar-844502.
4. Rajnish Kumar, son of Manoj Kumar, Resident of village-Kushahar, P.O.-Jhajhawa Bazar, P.S.-Mohammadpur, District-Gopalganj, Bihar-841423.
5. Vikash Raj, son of Munna Paswan, Resident of village, P.O. and P.S.-Khagaul, District- Patna, Bihar-801105.
6. Ayush Raj Aryan, son of Rakesh Kumar, Resident of village, P.O. and P.S. Doriganj, District- Saran, Bihar-841211.
7. Ashish Ranjan, son of Dinesh Prasad, Resident of village- Kolha, P.O. and P.S. Bikramganj, District- Rohtas, Bihar-802212.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
3. The Vice Chancellor, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
4. The Registrar, Aryabhatta Knowledge University, Gyan Parisar. Mithapur, Patna.
5. The Examination Controller, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
6. The Principal, Patna Medical College and Hospital, Patna.
7. The Principal, Sri Krishna Medical College and Hospital, Muzaffarpur.
8. The Principal, Bhagwan Mahavir Institute of Medical Sciences, Pawapuri.
9. The Principal, Anugrah Narayan Magadh Medical College and Hospital, Gaya.
10. The Principal, Employees State Insurance Corporation Medical College and Hospital, Sikandarpur, Bihta, Patna.
11. The Principal, Jannayak Karpuri Thakur Medical College and Hospital, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mrs. Shristi Singh, Advocate Mr. Pranav Kumar, Advocate
For the State	:	Mr. Advocate General



For the A.K.U. : Ms. Anukriti Jaipuriya, RC to AG
Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-03-2025 Heard learned counsel for the parties.

2. The present writ application is filed for the following reliefs:-

- (i) To issue an appropriate writ, order, direction in the nature of mandamus commanding the respondent Vice Chancellor, Aryabhatta Knowledge University to issue an order for re-evaluation/re-checking of the answer-sheets of the petitioners in the respective papers of Anatomy, Physiology and Biochemistry.
- (ii) To issue an appropriate writ, order, direction in the nature of mandamus commanding the respondents not to issue elimination letter against the petitioners during the pendency of the writ application.
- (iii) To any other relief for which the petitioners appear to be found entitled to by the Hon'ble Court.

3. The facts of the present case is that the petitioners are under-graduate students of MBBS, studying in different medical colleges within the State of Bihar, under the Aryabhatta Knowledge University, Patna. The petitioners are students of 1st Professional MBBS Course and had taken admission in the different medical colleges in different sessions. The petitioners have appeared in the first annual examination of 1st Professional MBBS Course, in which the petitioners were declared unsuccessful in the following papers:-



Sl No.	Petitioners	Sessions	Subject
1.	Saanvi Raj	2022-23	Anatomy (Annual 2023)
2.	Surbhi Kumari	2021-22	Physiology (Supplementary 2022)
3.	Subham Singh	2021-22	Biochemistry (Annual 2023)
4.	Rajnish Kumar	2022-23	Biochemistry (Annual 2023)
5.	Vikash Raj	2021-22	Anatomy (Supplementary 2022)
6.	Ayush Raj Aryan	2021-22	Biochemistry (Annual 2023)
7.	Ashish Ranjan	2021-22	Physiology (Annual 2023)

4. Thereafter, the petitioners appeared in the supplementary examination and were declared unsuccessful in the results published by the University. The results in which paper the petitioners are seeking re-evaluation is being given herein below:-

Sl. No.	Petitioners	Sessions	Subjects	Date of Examination
1.	Saanvi Raj	2022-23	Anatomy (Annual 2023)	29.11.2023 & 01.12.2023
2.	Surbhi Kumari	2021-22	Physiology (Supplementary 2022)	17.06.2023 & 19.06.2023
3.	Subham Singh	2021-22	Biochemistry (Annual 2023)	12.12.2023 & 11.12.2023
4.	Rajnish Kumar	2022-23	Biochemistry (Annual 2023)	01.04.2024 & 03.04.2024
5.	Vikash Raj	2021-22	Anatomy (Supplementary 2022)	13.06.2023 & 15.06.2023
6.	Ayush Raj Aryan	2021-22	Biochemistry	12.12.2023 &



			(Annual 2023)	11.12.2023
7.	Ashish Ranjan	2021-22	Physiology (Annual 2023)	04.12.2023 & 06.12.2023

5. Learned counsel for the petitioner relied upon the judgment of this Court passed in C.W.J.C. No. 8457 of 2020 dated 08.03.2021. Learned counsel further submits that the University constituted a Scrutiny Committee and the scrutiny committee in its meeting held on 31.05.2024, 03.06.2024, 04.06.2024 and 05.06.2024 respectively has given remarks “No change”. The report of the Committee was sent to the Principle SKMCH, Muzaffarpur vide letter no. 3065 dated 29.06.2024. Scrutiny Committee has not re-evaluated the paper of the petitioners but the same was limited to “totalling of marks and also looked unevaluated part of answer book, if found”. Therefore, the petitioners claim to direct the Vice-Chancellor to re-evaluate their papers under Section 21 (d) of the 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.”

6. Learned counsel for the University opposed the



prayer of the petitioners and submits that the petitioners have failed in the supplementary examination. Therefore, the Scrutiny Committee was constituted and the Scrutiny Committee has found no change in the remarks. Learned counsel for the University further submits that the Hon'ble Chancellor has power to give the direction for re-evaluation of the paper under Section 21 (d) of the University Act.

7. Having heard the parties and perusing the materials available on record, I direct the petitioners to deposit a sum of Rs.50,000/- per student and the Vice Chancellor of the Aryabhatta Knowledge University is requested to see that the re-evaluation of the answer sheet is done after the petitioners deposit Rs.50,000/- per student.

8. It is the choice of the Vice-Chancellor to choose the expert for the re-evaluation of the paper. The Vice-Chancellor is also directed to give permission to the petitioners to attend the classes.

9. With the aforesaid directions, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

priyanka/-

U			
---	--	--	--

