

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18151 of 2022

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Shreya Chaurasia daughter of Shri Ajay Kumar, Resident of Namak Gola Jai
Muhalla, Barhampur, Buxar, Pin Code- 802101.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Akashdeep, Adv. Mr. Shyameshwar Kumar Singh, Adv.
For the University	:	Mr. Anand Kr. Ojha, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 07-04-2025 Heard learned counsel for the parties.

2. Present writ petition has been filed for directing the respondent/University to re-evaluate the answer book of petitioner relating to Theory Paper-II and Theory Paper III of M.S. (Ophthalmology), held on 30.06.2022 and 02.07.2022, in accordance with section 21(d) of the Statute of University (Annexure-1) and publish the result thereof in accordance with law.

3. Learned counsel for the petitioner submits that the petitioner is 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. (Ophthalmology) Examination, 2022 from 28.06.2022 and the petitioner appeared in her 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 petitioner, she secured more than 50% commutative marks but was wrongly awarded only 38 marks and 48 marks in her Theory Paper of Ophthalmology (eye) II and III respectively. Thereafter, petitioner filed a representation before the Vice-Chancellor, Aryabhatta Knowledge University for re-evaluation of the papers in which petitioner flunk. Hence, this writ petition.

4. Learned counsel for the petitioner submits that the petitioner's 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.

5. Learned counsel for the respondent no. 2 submits that after receiving the complaint of the petitioner regarding the



aforesaid subject matter, the respondent no. 2 directed for scrutiny of the marks by the committee called scrutiny committee which was constituted and was directed to hold meeting on 18.10.2022 vide Letter No. 3458 dated 07.10.2022, wherein the said committee checked the totaling of marks and also looked unevaluated parts of answer book, and after going through the answer books the said committee found that “no change” in petitioner’s answer book required.

6. Petitioner filed a supplementary affidavit to bring on record that during the pendency of present writ petition, the respondent University had announced the date for supplementary examination and petitioner subsequently appeared in the supplementary examination and passed the same with securing much higher marks than that she secured earlier in the Theory Paper II and III.

7. Heard both the parties.

8. While issuing directions for reconsideration, this Court has exercised due caution to avoid extending unwarranted or excessive sympathy towards the petitioner. 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 petitioner had earlier failed in the assessment but subsequently passed in re-examination/supplementary examination.

9. Considering the facts and circumstances of the case, I dispose of this writ petition with a direction to the petitioner 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 petitioner for sending the answer-sheet, in question, for re-evaluation to an expert of Ophthalmology, who should be preferably other than the person who had earlier evaluated the same within a period of four weeks thereafter.

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

(Anjani Kumar Sharan, J)

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