IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE THE ACTING CHIEF JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WRIT APPEAL NO.1130 OF 2026
(CNR No. HBHC010676082026)

DATE:03.11.2026

Reserved on: 14.10.2026 Pronounced on: 03.11.2026
Uploaded on : 04.11.2026

Between:

Banoth Mahesh Karthik

…. Appellant / Petitioner

and

The State of Telangana, rep.by its Prl.Secretary, Department of Health, Medical and Family Welfare, Hyderabad and another.

…. Respondents/ respondents

JUDGMENT: *(per Hon'ble Sri Justice Suddala Chalapathi Rao)*

Heard Mr. M.Saleem, learned counsel for the appellant; Mr. Tandra Ramesh, learned Assistant Government Pleader for Health and Medical appearing for respondent No.1; and Mr. T.Sharath, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences appearing for respondent No.2.

2. The instant Writ Appeal is filed assailing the Order, dated 11.09.2026 passed by the learned single Judge in W.P.No.15355 of

2026 in denying the relief prayed to send the subject papers of Physiology Papers-I and II to third evaluator.

3. The underlying writ petition was filed seeking to grant the following relief;

> "…. to issue an appropriate Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS or any other appropriate Writ or direction to the respondent authorities by declaring the action of the respondent authorities in not referring and sending the answer sheets of the petitioner in Physiology paper I and II for third valuation in view of the difference and variation of 35 marks between the two examiners who evaluated the Physiology paper I and II of the petitioner as illegal arbitrary unconstitutional and against the Procedures of Evaluations of Marks in conducting the examinations and declaration of results adopted by the respondent authorities in MBBS course and consequently direct the respondent authorities to refer and send the answers sheets Physiology paper I and II of the petitioner of his 1 year MBBS Course to third examiner for evaluation of the above subject in the interest of justice" and pass…"

4. The brief facts of the case are that, petitioner secured admission into MBBS Course on 29.09.2023 in Mediciti Institute of Medical Sciences and pursuing the said course under the regulations framed by the respondent No.2-University. It is the case of the petitioner that, he has successfully completed the first

year MBBS Course and appeared for the First Year MBBS examination with Hall Ticket No.2301009013 and passed all the subjects except Physiology Paper-I and Paper-II, in which he failed by a narrow margin of two marks.

5. It is stated that being confident that he had performed well in the said subject, the petitioner earlier sought for re-verification of the answer scripts by filing W.P.No.1217 of 2026 and this Court by Order, dated 23.01.2026, directed the respondent authorities to undertake reverification upon payment of the prescribed fee. Pursuant thereto, petitioner paid the requisite fee and the answer scripts were re-verified. During the process of re-verification, discrepancies in valuation came to light, for which the petitioner submitted his objections before the respondent authorities. Thereafter, since the said objections were not considered, he has once again approached this Court and filed W.P.No.6230 of 2026 seeking a direction to furnish copies of the evaluated answer scripts and the marks awarded by the two examiners in respect of Physiology Paper- I and Paper-II, and pursuant to the directions issued by this Court, the respondent authorities furnished the relevant evaluation particulars.

6. It is stated that upon examination of the material furnished by the respondents, the petitioner noticed glaring inconsistencies and patent discrepancies in the evaluation undertaken by the two Examiners. It is stated that though petitioner had "attempted" some of the questions, same is treated as wrong answers or marks were not awarded. Therefore, as certain discrepancies were noted by the petitioner and as the evaluation sheets disclosed a substantial variation of 19 marks in Physiology Paper-I, and 16 marks in Physiology Paper-II, aggregating to 35 marks between the two Examiners, it is contended that the evaluation suffers from serious irregularities warranting reference of the answer scripts for third valuation.

7. The respondent No.2-University filed counter-affidavit stating that the relief sought by the petitioner is wholly misconceived and devoid of merits and also contended that the respondent No.2-University, failed to refer the petitioner's answer scripts in Physiology Paper-I and Paper-II for third valuation, is factually incorrect and based on an erroneous understanding of the evaluation procedure adopted by the University.

8. It is specifically averred that, as per the regulation governing the field, if there is variation exceeding 15% between the marks awarded by the first and second evaluators, the answer scripts are automatically referred for third valuation, by the system itself. However, the petitioner, under the erroneous annotations and connotations contentions, without there being proper proof and reliance of material, approached this Court. In fact, as there is no difference of 15% between the two Examiners, the question of sending the answer script to the third evaluator is impermissible. Therefore, the respondent No.2-University sought dismissal of the writ petition.

9. In the light of the above facts, learned single Judge of this Court, has considered the said same and specifically held that the burden lies upon the petitioner to establish that respondent-University has acted contrary to its own regulations and further it is observed that mere assertions, unsupported by any substantive material cannot be accepted as proof of illegality. The learned single Judge has accepted the said contentions of the 2nd respondent-University and held that petitioner has misconstrued the annotations appearing in the evaluation sheets and further

clarified that the expression 'attempted' is merely a predefined software-generated field indicating that the candidate has answered the question and does not signify either correctness or partial correctness of the answer.

10. Learned single Judge has also come to a conclusion that petitioner has not made out proper ground to succeed in the writ petition, so as to send the petitioner's answer scripts to third evaluator. It is specifically observed that the constitutional Courts ordinarily do not sit in appeal over the opinion of academic experts or undertake a comparative assessment of answer scripts unless there is a clear violation of statutory regulations, *mala fides,* or manifest arbitrariness, and held that the scope of judicial review in mattes relating to academic evaluation is extremely limited and more so, when the 2nd respondent-University specifically stated that, when there is variation of 15% of marks between the first evaluator and the second evaluator, the answer sheets automatically be referred to a third evaluator by the software. Since there is no material placed by the petitioner to disbelieve the stand of the respondent No.2-University, the learned single Judge came to a conclusion that the petitioner has

not made out a case for sending the answer sheets to the third evaluator. Further, it is specially taken note by the learned single Judge that sympathy or equitable considerations cannot override the regulations governing the evaluation process, particularly in professional courses like MBBS, where academic standards are required to be maintained with utmost rigor. The learned single Judge having dealt with the matter exhaustively came to a conclusion that the petitioner has not made out a case and dismissed the writ petition. Assailing the same, the Writ Appeal is filed.

11. Apparently, though the learned counsel appearing for the writ petitioner in the present Appeal challenges the order passed by the learned single Judge, only produced typed annotations in the tabulated statement of marks as corrected by the 1st evaluator and the 2nd evaluator, over the two papers of Physiology Paper-I and Paper-II and vehemently contends that the questions which are attempted should be read as correct answers and urges that the Marks are not awarded for such attempted questions. The fact remains that mere attempt, would not reflect that the answer which has been specifically attempted by the petitioner in the

examination is correct and valid. The academic experts use their expertise to draw a conclusion, as to the relevancy of the answer provided by the student. It is for the academicians and the evaluators to come to a decision whether the attempted answer is correct or wrong, particularly in a professional course of MBBS, where highest standards should be adhered to. It is for the evaluators to evaluate the question papers, and award the marks accordingly. Further, interfering with such decisions of the evaluators or substituting of their decision would be detrimental to the system of education to meet the required expertise.

12. Thus, in our considered view, it is rightly held by the learned single Judge that the constitutional Courts ordinarily do not sit in appeal over the opinion of academic experts, except placing reliance on annotations, the writ appellant/writ petitioner has not made out any case warranting interference by this Bench with the well considered order passed by the learned single Judge. Thus, we do not see any good reason to interfere with the orders passed by the learned single Judge and the Writ Appeal is devoid of merits and is liable to be dismissed.

13. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Appeal shall stand closed.

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P.SAM KOSHY, ACJ

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SUDDALA CHALAPATHI RAO,J

Date: 03.11.2026
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