

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

**WRIT PETITION Nos. 27021, 15255, 25646, 25661, 25664,
25665, 25685, 25686, 25687, 25688, 25699, 25716, 25722,
25919, 25977, 25981, 26167, 26173, 26175, 26193, 26194,
26196, 26202, 26204, 26202, 26204, 26207, 26208, 26223,
26227, 26264, 26266, 27022, 27024, 27025, 27027, 27028,
27030, 27041, 27044, 27061, 27063, 27065, 27068, 27080,
27085, 27086, 27088, 27090, 27096, 27100, 27217, 27374,
27559, 27671, 27737, 28003, 29218, 30425, 32336 OF 2022**

COMMON ORDER:

Heard the counsels for the petitioners and the learned Standing Counsel for the respondents/University.

2. This a matter pertaining to the valuation done for the final examinations conducted in the month of May, 2022, in respect of Post graduation Medical courses and other Diploma courses.

3. The counsels for the petitioners submitted that the University has conducted two internal valuations and two external valuations following the Regulation 14 of the Medical Council of India Regulations, 2000. Accordingly 4 examiners valued the each answer script of the students. But the counsels for the petitioners submitted that after verification

of the answer booklets, the petitioners found the discrepancies that the 4th examiner in all these cases valued and awarded less marks than the other 3 examiners who valued the answer scripts. In order to substantiate their further contentions, the counsels for the petitioners produced before this Court the draft regulations of National Medical Commission of 2021 and as per the Regulation 18.2, in respect of the post graduate medical examinations, the answer scripts shall be subjected to two valuations by the concerned University and the average of the total marks awarded by the two valuers for the paper which is rounded off to the nearest value shall be considered for computation of the results. Where the difference between two valuations is 15% and more of the total marks prescribed for the paper shall be subjected to the 3rd valuation and the average of the best two total marks shall be awarded by the 3rd evaluators for the paper rounded off to the nearest value and the same shall be considered for the final computation of the result. Hence, the counsels appearing for the petitioners submitted that the same analogy/principle can be adopted for the purpose of the valuation conducted for the exams in the

month of May, 2022 as it is propounded by the National Medical Commission which is having a binding effect on all the Universities across the country. But on verification the University Standing Counsel as well as the Registrar of the University who is present in the Court confirmed that these Regulations are not given effect so far, as they are not published as required under the Regulation 1.2 of the said draft Regulations.

4. In view of the same there cannot be any issuance of Mandamus to give effect to the said Regulations for the present. However as the students after going through the answer scripts physically in the Court Hall submitted that there are certain discrepancies, they are at liberty to give representations individually to the university immediately within a period of one (01) week from the date of receipt of this order and on receipt of such individual representation by the university, the same thing can be gone into and wherever it is necessary the answer scripts which were produced before this Court/the answer scripts of the petitioners can be subjected to revaluation by using the software adopted as mentioned in the counter affidavit of the university as per the

rules and the regulations. The whole exercise shall be completed within a period of four (04) weeks thereafter from the date of receipt of such individual representations and the results shall be declared and communicated to the students individually.

5. According, all the Writ Petitions are disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

JUSTICE B KRISHNA MOHAN

30.09.2022

Note:-*Issue C.C. Today*
B/o:-PGT/KMS

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Date: 30.09.2022

PGT