

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 31ST DAY OF JANUARY, 2022

BEFORE

THE HON'BLE MR. JUSTICE B.M. SHYAM PRASAD

WRIT PETITION NO.100115/2022 (EDN-RES)

BETWEEN:

SHRI KRUTIK RAJARAM KUNDRI
AGE: 22 YEARS, OCC: STUDENT
R/O. 88, MADI GUNJI
TQ. KHANAPUR
DIST. BELAGAVI.

...PETITIONER

(BY SRI. SANGRAM S. KULKARNI, ADV.,)

AND:

1. RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES
4TH 'T' BLOCK, JAYANAGAR
BENGALURU-560 041.
REPRESENTED BY
ITS REGISTRAR (EVALUATION)
2. RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES
4TH 'T' BLOCK, JAYANAGAR
BENGALURU-560 041.
REPRESENTED BY ITS
VICE CHANCELLOR.
3. MARATHA MANDALS COLLEGE
OF PHARMACY
BELAGAVI.

REPRESENTED
BY ITS PRINCIPAL.

...RESPONDENTS

(BY SMT. VAISHALI KALADAGI, ADV.,FOR
SRI. SHIVAKUMAR S.BADAWADAGI, ADV.,)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE 1ST AND 2ND RESPONDENTS TO TAKE IMMEDIATE STEPS TO PROPERLY RE-EVALUATE THE ANSWER SCRIPTS OF THE PETITIONER OF MEDICINAL CHEMISTRY I-TTP IN A MANUAL MANNER AND AWARD APPROPRIATE MARKS AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner, who is unsuccessful in revaluation of his Medicinal Chemistry-I-TTP [as part of his B-Pharma course], has filed this petition for a mandamus to the first and second respondents to consider the representation [Annexure-C] submitted by him to re-evaluate his answer script and allot grace marks.

2. The fulcrum of the petitioner's case is that his papers have been evaluated on-line by two evaluators and because the evaluation is on-line, the

evaluation may not be effective; as such his answer script must be evaluated manually and in terms of the relevant ordinance. On behalf of Sri.Shivakumar Badawadagi, the learned counsel for the first and second respondents, it is submitted that the evaluation is in accordance with the Ordinance for valuation which is notified on 29.03.2019 and this Ordinance does not permit physical evaluation.

However, it is undisputed that the Ordinance which is notified on 29.03.2019 is quashed by a co-ordinate Bench of this Court in the writ petition in W.P. No.31335/2019 on the ground that the evaluation by two evaluators, when the MCI Guidelines speaks of evaluation by four evaluators, would be impermissible in law. This Court, on a careful consideration of the rival submissions, including the submission on behalf of the respondents that the orders of this Court in the writ petition in W.P. No.31335/2019 is in the light of

the MCI Guidelines and therefore not applicable to B-Pharma Courses, is of the considered view that the writ petition must be disposed of directing the respondents to consider the representation strictly in accordance with law and in a time bound manner.

Therefore, the writ petition stands disposed of directing the first and second respondents to consider the petitioner's representation on or before 11.02.2022 and inform the petitioner about such consideration within a week therefrom. It is needless to observe that there is no comment on any merits.

Sd/-
JUDGE

AN/-