

(1999) 11 AP CK 0029

In the Andhra Pradesh High Court

Case No : WA No"s. 1666 of 1999 and Batch

Government of Andhra Pradesh

APPELLANT

Vs

E. Sudha Rani and others

RESPONDENT

Date of Decision : 05-11-1999

Acts Referred:

Citation : (2000) 3 ALD 147 : (2000) 1 ALT 383

Hon'ble Judges : M.S. Liberhan, C.J;Goda Raghuram, J

Bench : Division Bench

Advocate : M/s. G. Vidya Sagar, A. Sreedhar, M. Surender Rao, C.V. Mohan Reddy, K. Sesharajyam, N. Siva Reddy, S. Satyam Reddy, M.P. Chandra Mouli, R.K. Suri, J. Kanakaiah, D. Sudarshana Reddy, Raj Kumar Rudra, N. Krishna Rao, K.V. Seshagiri Rao, N. Ashok Kumar, S. Sharath Kumar, Y. Chandrashekhar, Ravi Shankar Jandhyala, V. Gowrisankara Rao, P. Nageswara Rao, K. Somakonda Reddy, T. Niranjan Reddy, K. Suresh Reddy, Shaik Anwar Pasha, A. Sudarshan Reddy, M.V.K. Viswanadham, P.V.S.S.S. Rama Rao, B.D. Maheswara Raddy, C.C.S. Sastry, K. Ramakantha Reddy, SC for OU, M. Sivananda Kumar, Y. Rama Rao, Ghanta Rama Rao, G. Dasaradharama Reddy, G. Venkateswara Rao, K. Madhava Reddy, R. Brizmohan Singh, P. Srirama Murthy, S.A.K. Mynoddin, Y. Rama Rao, J.C. Francis, A.V.G. Kumar, M. Srinivas, P.V. Subrahmanyam, P. Krishna Reddy, M. Prasad Rao, D. Ramalinga Swamy, A. Gopalakrishnamacharyulu, G. Someswararao, G. Ramagopal, C. Kodanda Ram, SC for JNTU, S.A. Chari, J. Ashwini Kumar, C.V. Nagarjuna Reddy, K. Ravinder Kumar, P.B. Vijay Kumar, M. Venkateswarlu, K. Jagan Mohan Reddy, K. Ashok Reddy, S. Venkata Subba Rao, K. Venkatesulu, K. Ananada Rao, T. Mahender Rao, T. Nageswara Rao, G. Vasantharayudu, P. Krishna Reddy, M. Adinarayana Raju, N. Krishna Rao, P. Veera Reddy, Y. Jagan Mohan, J.V. Ramana Murthy, S. Prabhakar Reddy, K. Nageswara Reddy, T.C. Krishna, D.S.N.V. Prasad Babu, G. Damodar Reddy, Krishna Alwar, R.M. Reddy, V.S.R. Anjaneyulu, T. Jagadeesh, S.S. Rangappa, G. Venkateswara Rao, B.G. Ravindra Reddy, G. Vijaya Kumar, A. Chandraiah Naidu, G.V. Sobhanadri, K. Vasudeva Reddy, P.R.K. Amarendra Kumar, V. Ravikiran Rao, M.B. Thimma Reddy, A. Ramakrishna, K. Raghuvveer Reddy, B. Somasekhar, C. Ramesh, J. Prabhakar, P. Ravishankar, K. Subrahmanyam, B. Adinarayana Rao, SC for C.G., N. Sreedhar Reddy, K. Somakanda Reddy, D.V. Seetaram Murthy, K. Ramesh Babu, SC for APSCH, GP for Education, K.G.K. Prasad, SC for NTRUHS, Mrs. N. Shobha, Mrs. Abhinand K. Shavili, Ms. V. Hima Bindu, Mrs. G. Suvarna Kumari, Mrs. PT Madhavi Devi and Mrs. K. Malleswari, for the Appellant;

Judgement

M.S. Liberhan, C.J.—A common entrance test for admissions into the First Year MBBS course in the State was held on 17th May, 1999. Pursuant to the directions of this Court in regard to previous year's Common Entrance Test, key answers for the Eamcet question paper in relation to the MBBS entrance test was published by the Convenor of the Common Entrance Test on 20-5-1999 and objections thereon were called for. The result of the test was published on 2-6-1999. On 3-6-1999 having considered the objections put forward by certain examinees, the Convenor deleted 2 questions, Nos.104 and 191 and the results thereupon were in the process of finalisation. While so, during the 2nd and 3rd weeks of June, 1999 about 14 writ petitions involving 23 writ petitioners who were examinees for the MBBS entrance were filed assailing the correctness of the key answers in respect of question Nos.28, 51, 58,60, 84 and 151. Considering the challenges set out in the writ petitions a learned single Judge of this Court by the judgment dated 19-8-1999 disposed of the Batch of writ petitions directing that:

- (a) question Nos.51 and 58 be excluded from consideration for the purpose of evaluating the papers;
- (b) in respect of question No.60, the authorities shall recheck the papers of the petitioners to ascertain whether marks in fact have been awarded to students who have indicated response No.2 as the correct answer and if in any case any one student is not awarded marks, marks shall be awarded to such student;
- (c) in respect of question Nos.28, 84 and 151, students who have recorded both of the responses (1) and (3), (2) and (3) and (1) and (4) respectively for the above questions, be awarded marks; and
- (d) the authorities shall re-evaluate papers of all the students in view of the conclusions in the judgment and assign ranks on the basis of such reevaluation.

2. Assailing the aforesaid judgment WA Nos.1366 of 1999 and Batch were preferred by the Convenor. By judgment dated 13-10-1999, the appeals were disposed of affirming the conclusions reached by the learned single Judge but declining the relief to non litigants in the following terms:

"Thus, in the peculiar facts and circumstances of the case, we limit the relief to such of the petitioners who have approached the Court diligently and well within the time, that is to say, to those of the petitioners who have urged a specific grievance, claimed the specific relief and canvassed particular aspects in the writ petition. The writ appeals are accordingly disposed of. No costs".

3. Thereafter, other students who were not parties to the initial batch of writ petitions filed writ petitions seeking extension of benefit of re-evaluation consequent on the directions of the learned single Judge to them also. Initially, in some of such writ petitions interim directions were granted directing that the

benefit of re-evaluation as ordered by the learned single Judge be extended to the petitioners also. Subsequently, a batch of these later writ petitions, having come up for consideration before a learned single Judge of this Court were directed to be posted before a Bench in view of the judgment dated 13-10-1999 in WA Nos.1366 of 1999 and Batch wherein the relief of re-evaluation is directed to be limited only to the petitioners in the initial Batch of writ petitions and that too in respect of specific questions and aspects whose correctness was canvassed by them in particular writ petitions.

4. Against some of the interim orders granting extension of benefit of re-evaluation to the petitioners in the subsequent Batch of writ petitions, appeals were filed by the Convenor as well as by the State.

5. In the circumstances all the writ appeals and writ petitions have been taken up for consideration and having regard to the common issues involved have been heard together and are being disposed of by this common order.

6. It would appear from what is stated in the counter-affidavits filed by the Convenor in response to the subsequent batch of writ petitions and from what is urged on behalf of the Convenor at the hearing of the applications today that subsequent to the Division Bench judgment dated 13-10-1999 in Writ Appeals 1366 of 1999 and Batch, the limited re-evaluation as directed by the Bench has been done on 15-10-1999 but the results of such re-evaluation has not been notified to the candidates concerned. It is also the factual position that the results of the re-evaluation have not been formally notified nor even admissions commenced for the course.

7. It is the common refrain on behalf of the students who have now instituted writ petitions that the limiting of relief to the initial batch of writ petitioners as was ordained by the judgment of the Division Bench of this Court on 13-10-1999 would result in bringing about a situation where unequal and discriminatory treatment would result to students. It is also contended that having regard to the fact that the learned single Judge did determine existence of patent irregularities in the matter of evaluation based on the key answers published on 20-5-1999 which determination has been confirmed by the Division Bench, and in view of the fact that even admissions have not commenced nor the results of re-evaluation formally notified, the benefit of revaluation ought to be extended to all examinees in the interests of uniformity and equality and also for the reason that no serious prejudice would be caused to the administration.

8. The limiting of the relief to the initial writ petitioners as directed by the Division Bench of this Court, as is now apparent, is a misapprehension of the true state of the fact. An impression was gained that admissions to the course pursuant to the evaluation on the basis of the key answers published on 20-5-1999 has been concluded and extension of the benefit of re-evaluation founded on the learned single Judge's conclusion would bring about a large scale chaos. These factors weighed with this Court in directing that the relief be limited

to the initial writ petitioners Only. It now transpires that no admissions have taken place.

9. The Convenor of the entrance examination has conducted the exercise of reevaluation of the papers on the basis of the directions of the learned single Judge dated 19-8-1999 in WP No.11743 of 1999 and the result of such re-evaluation has been produced for the perusal of the Court. It is seen that as a result of the re-evaluation, marks and consequently rankings for substantial number of candidates have undergone an alteration.

10. In view of the fact that admissions have not even commenced and the results of re-evaluation are already available, this Court is of the considered view that interests of justice and equity warrant that the benefit of the re-evaluation should not be limited to the students who have initially filed the writ petitions and that the benefit of such re-evaluation be extended to all the students whether they have challenged the questions which have fallen for the consideration of this Court in WP No.11743 of 1999 and Batch or not. Accordingly, it is directed that:

(a) further steps pursuant to the entrance test for admissions into the First Year MBBS course held on 17-5-1999 be taken on the basis of the re-evaluation in respect of all the examinees at such entrance test, on the basis of the directions contained in the judgment of the learned single Judge of this Court dated 19-8-1999 in WP No. 11743 of 1999 and Batch;

(b) no further or different challenge (s), to the correctness of the results of the entrance examination to the First year MBBS course held on 17-5-1999 nor in respect of any other questions or key answers, except as directed above, shall be entertained and the results of re-evaluation as produced before this Court today shall be final and further steps shall be taken in accordance therewith.

All the writ appeals and writ petitions disposed of in the light of the above directions.