

(1995) 01 P&H CK 0091

In the Punjab And Haryana At Chandigarh

Case No : Civil Appeal Petition No. 16662 of 1994

Gulshan Grover

APPELLANT

Vs

M.D. University, Rohtak

RESPONDENT

Date of Decision : 23-01-1995

Acts Referred:

Constitution of India, 1950 — Article 14, 226

Citation : AIR 1995 P&H 241 : (1995) 109 PLR 757 : (1995) 2 RCR(Civil) 465

Hon'ble Judges : Sat Pal, J;Ashok Bhan, J

Bench : Division Bench

Advocate : Atul Lakhanpal, for the Appellant; Ashok Aggarwal and Ramesh Goyal, for the Respondent

Judgement

Sat Pal, J.—In this writ petition, the petitioner has prayed for quashing the Ordinance Re-evaluation of Answer Books, Rule 1(b), debarring the students of courses being run in the Medical College from Re-evaluation of the Answer Books, which is permissible to students of all other Universities, being arbitrary, discriminatory and violative of fundamental rights granted under Art. 14 of the Constitution of India. It has also been prayed that the respondent-University be directed to re-evaluate the answer-books of papers I and II of the petitioner M.B.B.S./ B.D.S. Entrance Examination, July, 1994, conducted by the University.

2. Notice of motion was issued to the respondents and written statement on behalf of the respondents has been filed. In the written statement, it has been stated that the provisions of the Ordinance governing Re-evaluation of Answer-Books challenged in the writ petition are not relevant to the present case as the present case is governed by the provisions of the prospectus. It has further been stated that there is no provision for re-evaluation of the answer-books in the prospectus for M.B.B.S./B.D.S. Examination, 1994.

3. Mr. Lakhanpal, learned counsel appearing on behalf of the petitioner, submitted that as per the Ordinance regarding Re-evaluation of Answer-Books, the re-evaluation is permissible in cases of annual/ supplementary and semester

examinations, conducted by the respondent-University except in courses being run in the Medical Colleges. He, therefore, contended that this was arbitrary and in violation of the Constitution of India.

4. Mr. Aggarwal, learned counsel appearing on behalf of the respondent-University submitted that the M. B. B. S./B. D. S. Entrance Examination was a public examination and in such an examination, re-evaluation of the answer-books could not be allowed as the same may lead to gross and indefinite uncertainties. In support of his contention, he placed reliance on a judgment of the Supreme Court in *Maharashtra State Board of Secondary and Higher Secondary Education and Another Vs. Paritosh Bhupeshkumar Sheth and Others*, . We have given our anxious consideration to the submissions made by the learned counsel for the parties. Admittedly the present case is not covered by Ordinance Re-evaluation of Answer-Books, Rule 1(b) which debars the students of courses being run by Medical College from re-evaluation of answer-books. As rightly pointed out in the written statement, the present case is governed by the Prospectus for M.B.B.S./B.D.S. Examination, 1994 and admittedly there is no provision for Re-evaluation of the Answer-Books in the said prospectus. It is also admitted by the learned counsel for the parties that the M.B.B.S./B.D.S. Entrance Examination is a Public Examination. For such an examination, re-evaluation cannot be allowed as of right as it may lead to gross and indefinite uncertainties, particularly in regard to the relative ranking of the candidates. The view we have taken finds support from the judgment of the Supreme Court in the case of *Maharashtra State Board of Secondary and Higher Secondary Education (supra)*. It may also be pointed out here that the answer books of the petitioner were rechecked as per the provisions of the prospectus and he was informed accordingly vide letter, Annexure P-3, that no mistake/error in the result was found.

5. For the reasons recorded hereinabove, we find no merit in the writ petition, and the same is dismissed accordingly, with no order as to costs.

6. Petition dismissed.