

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2845 of 2023

1. Vibha Rani D/o Arjun Prasad R/o Ram Murti Nagar, P.S.-Hilsa, District-Nalanda, Bihar.
2. Sanjay Kumar S/o Rajeshwar Baitha R/o Vill-Parihar, P.S.- Parihar, District-Sitamarhi, Bihar.
3. Soni Suman D/o Jai Shankar Prasad, R/o Suraj Math Pokhar Naya Bazar, P.S.-Kabaiya, District-Lakhaisarai, Bihar.
4. Chitranjan Kumar S/o Sampat Rajak R/o Dhanadihari, P.S.-Paras Bigha, District-Jehanabad, Bihar.
5. Gautam Ram S/o Rudal Ram R/o Village-Dubba, Darauli, District-Siwan, Bihar.
6. Jaynath Kumar S/o Late Raghuni Ravidas R/o Quarter No. 4056, Sector 4/F, Bokaro Steel City, P.S.-Sector,-4, District-Bokaro, Jharkhand
7. Khushboo D/o Shyam Bihari Ram R/o Janakpuri Gola Road, P.S.- Rupaspur, District-Patna, Bihar.
8. Ankush Kumar Anand S/o Bharat Lal Paswan R/o Village-Baghmara, P.S.-Manihari, District-Katihar.
9. Ghazala Sehar Akhtar D/o H.S.M.Q. Akhtar R/o Moghlani Bagh, Mahendru, P.S.-Sultanganj, District-Patna. Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Government of Bihar, Patna.
3. The Director (Highter Education), Department of Human Resources Government of Bihar, Patna.
4. The Aryabhatta Knowledge University through its Vice Chancellor, Patna. Distt. Patna.
5. The Registrar, Aryabhatta Knowledge University, Patna, Distt. Patna.
6. The Examination Controller, Aryabhatta Knowledge University, Patna, Distt. Patna.
7. The Principal, Nalanda Medical College Hospital, Patna.
8. The Principal, Patna Medical College Hospital, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anand Vardhan
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN



ORAL ORDER

6 07-04-2025 Heard learned counsel for the parties.

2. Present writ petition has been filed for directing the respondent/University to recheck/re-evaluate the papers of petitioners' appeared in Post Graduate Examination for M.D./M.S.(3 years course) final year (session 2019-2022) at earliest, as supplementary examination can be held at anytime.

3. Learned counsel for the petitioners submits that the petitioners are the student of final year Post Graduation (3 years course) pursuing Doctor of Medicine or Masters respectively from Aryabhata Knowledge University, Patna, Bihar. He submits that the final year Post Graduation Examination was conducted by the respondent-University for M.D./M.S. Examination, 2022 from 28.06.2022 and the petitioners appeared in their respective examination. He further submits that the result of the above mentioned examination was published by the respondent-University on 31.08.2022 and to the shocking of the petitioners, they were declared unsuccessful in the result so published by the University. The results in which petitioners seeked re-evaluation were being given herein below along with remarks given by the scrutiny committee:-

Sl. No.	Name	Course & Session	Subject	Remarks by Scrutiny
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				Committee
1.	Vibha Rani	MD (Pathology) (2019-22)	(Pathology) Paper II	Earlier scored 32 but now the total becomes 37 marks
2.	Sanjay Kumar	M.CH. (Plastic Surgery)(2019-22)	Plastic Surgery-III/Plastic Surgery-IV	36 (no change) /Earlier scored 42 but now the total becomes 45 marks
3.	Soni Suman	M.CH. (Plastic Surgery)(2019-22)	Plastic Surgery-III/Plastic Surgery-IV	42/45 (no change)
4.	Chitranjan Kumar	MS (Otorhinolaryngology) (2019-22)	ENT-I/ ENT-II/ENT-IV	44/28/40(no change)
5.	Gautam Ram	MS (Ophthalmology) (2019-22)	MS (Ophthalmology)-I/MS (Ophthalmology)-II/MS (Ophthalmology)-III/MS (Ophthalmology)-IV	51/35/49/46 (no change)
6.	Jaynath Kumar	MD (Pathology) (2019-22)	Pathology-II	Total should be 27 instead of 31
7.	Khushboo	MS (Ophthalmology) (2019-22)	MS (Ophthalmology) Eye-II	33 (no change)
8.	Ankush Kumar Anand	MD (Paediatrics) (2019-22)	Paediatrics-II	35 (no change)
9.	Ghazala Sehar Akhtar	MD (Community Medicine) (2019-22)	Community Medicine-I/Community Medicine-II/Community Medicine-III/Community Medicine-IV	40/37/57/48 (no change)



4. Thereafter, petitioners filed a representation before the Vice-Chancellor, Aryabhata Knowledge University for re-evaluation of the papers in which petitioners flunk. However, result of scrutiny of the respective papers led to increase of marks for petitioner nos. 1 and 2 though the petitioners still doubt and dispute as they declared failed. Hence, this writ petition.

5. Learned counsel for the petitioners submits that the petitioners' case is squarely covered by the judgment passed by a Co-ordinate Bench of this Court in Sahil Raj Vs. Aryabhata Knowledge University & Ors. in CWJC No. 5217 of 2018 dated 05.04.2018.

6. Learned counsel for the respondent nos. 4 to 6 submits that after receiving such complaints from the petitioners regarding the aforesaid subject matter, a scrutiny committee was constituted by the respondent authority and the said committee checked the totaling of marks and also looked unevaluated parts of the answer book, and after going through the same of all the petitioners, the said committee gave the remarks as already abovementioned in the tabular chart.

7. Petitioners during the argument brought on record that during the pendency of present writ petition, the respondent



University had announced the date for supplementary examination and petitioners subsequently appeared in the supplementary examination and passed the same.

8. Heard both the parties.

9. While issuing directions for reconsideration, this Court has exercised due caution to avoid extending unwarranted or excessive sympathy towards the petitioners. It is further clarified that, should a reassessment be conducted and the petitioners succeed therein, the marks obtained in such reassessment shall be deemed final and binding. The respondent University shall not adopt a rigid or adverse position by denying the benefit of such result on the ground that the petitioners had earlier failed in the assessment but subsequently passed in re-examination/supplementary examination.

10. Considering the facts and circumstances of the case, I dispose of this writ petition with a direction to the petitioners to deposit Rs. 50,000/- per student within a period of one week and the Vice-Chancellor of the Aryabhata Knowledge University, Patna is also directed to consider the case of the petitioners for sending the answer-sheet, in question, for re-evaluation to an expert of petitioners' subject area, who should be preferably other than the person who had earlier evaluated



the same within a period of four weeks thereafter.

11. This Court clarifies that this order may not be treated as a precedent for future cases.

(Anjani Kumar Sharan, J)

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