

**WA No. 1372 of 2025
C/W WA No. 1360 of 2025
WA No. 1369 of 2025
AND 3 OTHERS**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF FEBRUARY, 2026



PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1372 OF 2025 (EDN-RES)

C/W

WRIT APPEAL NO. 1360 OF 2025 (EDN-RES)

WRIT APPEAL NO. 1369 OF 2025 (EDN-RES)

WRIT APPEAL NO. 1403 OF 2025 (EDN-RES)

WRIT APPEAL NO. 1481 OF 2025 (EDN-RES)

WRIT APPEAL NO. 1482 OF 2025 (EDN-RES)

IN WA No. 1372/2025

BETWEEN:

1. RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES
4TH T BLOCK, JAYANAGAR
BENGALURU - 560 041
REP. BY ITS REGISTRAR EVALUATION

...APPELLANT

(BY SRI P.P. HEGDE, SENIOR ADVOCATE A/W
SMT. KULKARNI MAMATA GURURAO, ADVOCATE)

AND:

1. VISHRUTHI ACHAR
D/O MAHESH KUMAR M
AGED 27 YEARS
NO 9/14, 6TH MAIN ROAD



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SRREKNTEHWARANAGAR
BANGALORE - 560 096

2. DINESH REDDY
S/O VEERENDRA REDDY
AGED ABOUT 24 YEARS
R/O NO 8-9-386/A
GURU NANAK COLONY
BEHIND NEWTOWN POLICE STATION
BIDAR - 562 101

3. TARANUM S
S/O SYDED MEIN
AGED 25 YEARS
NO 540, AARALIKATTE STREET
BLUE BUILDING, NEELAKANTA NAGAR
NANJANAGUD
MYSORE - 571 301

4. NATIONAL MEDICAL COMMISSION
(PREVIOUSLY MEDICAL COUNCIL OF INDIA)
POCKET-14, SECTOR-8
DWARAKAR PHASE 1,
NEW DELHI - 1110077
REP. BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI. PRADEEP PATIL, ADVOCATE FOR R1 TO R3
SRI. SHOWRI H.R. ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS
IN W.P.No.31341/2024 AND SET ASIDE THE COMMON ORDER
DATED 30.07.2025 PASSED BY THE LEARNED SINGLE JUDGE, BY
ALLOWING THE APPEAL.

**WA No. 1372 of 2025
C/W WA No. 1360 of 2025
WA No. 1369 of 2025
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IN WA NO. 1360/2025

BETWEEN:

1. RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCE
4TH T BLOCK, JAYANAGAR
BENGALURU - 560 041
REP. BY ITS REGISTRAR EVALUATION

...APPELLANT

(BY SRI P.P. HEGDE, SENIOR ADVOCATE A/W
SMT. KULKARNI MAMATA GURURAO, ADVOCATE)

AND:

1. KISHORE. A. C.
S/O CHANDRASHEKAR A.L.
AGED 24 YEARS
No. 25, SAPTAGIRI
3RD MAIN ROAD
GANGANAGAR, R.T. NAGAR
BANGALORE - 560 032
2. SINDOORA S
D/O SATHYENDRA SALIAN B
AGED 25 YEARS
R/ NO 2-23/31, 2ND MAIN, 2ND CROSS
MARUTHINAGARA, MANGALORE
DAKSHINA KANNADA - 575 019
3. NATIONAL MEDICAL COMMISSION
(PREVIOUSLY MEDICAL COUNCIL OF INDIA)
POCKET-14, SECTOR-8
DWARAKAR PHASE 1,
NEW DELHI - 110 077
REP. BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI PRADEEP PATIL, ADVOCATE FOR R-1 & 2;
SRI SHOWRI H.R., ADVOCATE FOR R-3)

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THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS IN W.P. No. 32027/2024 AND SET ASIDE THE COMMON ORDER DATED 30.07.2025 PASSED BY LEARNED SINGLE JUDGE, BY ALLOWING THE APPEAL & ETC.

IN WA NO. 1369/2025

BETWEEN:

1. RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES
4TH T BLOCK, JAYANAGAR
BENGALURU - 560 041
REP. BY ITS REGISTRAR EVALUATION

...APPELLANT

(BY SRI P.P. HEGDE, SENIOR ADVOCATE A/W
SMT. KULKARNI MAMATA GURURAO, ADVOCATE)

AND:

1. HARINNI SHREE
D/O ANBAZHAGAN R
AGED 25 YEARS
PERMANENT ADDRESS AT
No.23/F, 13B, HIGH SCHOOL STREET
ALLINGARAM, THENI
TAMIL NADU - 625 531
2. H SYED FARAZ
S/O. H SYED BILAL
AGED 25 YEARS
R/O RAHAMANIYA SAW MILL
KELAGINA KERI
SHIRALAKOPPA
SHIVAMOGGA DIST - 577 428

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3. NATIONAL MEDICAL COMMISSION
(PREVIOUSLY MEDICAL COUNCIL OF INDIA)
POCKET-14, SECTOR-8, DWARAKAR PHASE-1
NEW DELHI - 1110077
REP. BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI PRADEEP PATIL, ADVOCATE FOR R-1 & 2;
SRI SHOWRI H.R., ADVOCATE FOR R-3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR
RECORDS IN W.P. NO.31762/2024 AND SET ASIDE THE
COMMON ORDER DATED 30/07/2025 PASSED BY LEARNED
SINGLE JUDGE, BY ALLOWING THE APPEAL.

IN WA NO. 1403/2025

BETWEEN:

1. RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES
4TH T BLOCK
JAYANAGAR, BENGALURU
KARNATAKA - 560 041
REP. BY ITS REGISTRAR (EVALUATION)

...APPELLANT

(BY SRI P.P. HEGDE, SENIOR ADVOCATE A/W
SMT. FARAH FATHIMA, ADVOCATE)

AND:

1. PRAJWAL JOGAR
S/O VITHOBA JOGAR
AGED 25 YEARS
R/AT KAMALAMMA GUDI ONI
TUMMINAKATTI
HAVERI - 581 119

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2. TASMIYA RAFIK AHAMED KITTUR
D/O RAFIK AHAMED
AGED 23 YEARS
R/AT NOL. 196, ARAVIND NAGAR
KARWAR ROAD, OLD HUBLI
DHARWAD - 580 024

3. ROHIT
S/O HUSANAPPA
AGED 25 YEARS
R/AT NO.MIG-20
2ND PHASE, ADARSH NAGAR
NEAR RING ROAD
KALABURGI - 585 105

4. NATIONAL MEDICAL COMMISSION
POCKET O.14, SECTOR 8
DWARKA, NEW DELHI - 110 07
REPRESENTED BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI PRADEEP PATIL, ADVOCATE FOR R-1 TO R-3 &
SRI SHOWRI H.R., ADVOCATE FOR R-4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS IN 11407/2024 AND SET ASIDE THE COMMON ORDER DATED 30.07.2025 PASSED BY LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P. No. 11407/2024 AND DISMISS THE WRIT PETITIONS FILED BY THE PETITIONERS & ETC.

IN WA NO. 1481/2025

BETWEEN:

1. RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES

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WA No. 1369 of 2025
AND 3 OTHERS**

4TH T BLOCK, JAYANAGAR
BENGALURU
KARNATAKA - 560 041
REP. BY ITS REGISTRAR (EVALUATION)

...APPELLANT

(BY SRI P.P. HEGDE, SENIOR ADVOCATE A/W
SMT. FARAH FATHIMA, ADVOCATE)

AND:

1. KUM. AISHWARYA PATIL
S/O SIDDALINGAPPA PATIL
AGED ABOUT 22 YEARS
R/AT BASAVESHWARA COLONY
OPP. LITTLE ANGLE SCHOOL
RAICHUR - 84101
2. KUM NAVYA
D/O. SURYA PRAKASH G
AGED ABOUT 25 YEARS
R/A. GM INFINITE E CITY TOWNSHIP
PHASE II, 2ND FLOOR
ELECTRONIC CITY
BENGALURU - 560 100
3. HIMANSHU RANJAN
S/O SHEENAPPA
AGED ABOUT 21 YEARS
R/AT BOYS HOSTEL
SRINIVAS MEDICAL COLLEGE
DAKSHINA KANNADA - 575 011
4. GURU S.H.
S/O SHARANA BHUPALAREDDY
AGED 22 YEARS
NEAR DYAVAMMA TEMPLE
NAIKAL, YADGIR - 585 319

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5. SKANDASHREE V DEV
D/O M.K. VASUDEVA
AGED ABOUT 24 YEARS
R/AT No.5 MALLANAYAKANAHALLI
MULBAGAL TALUK, KOLAR - 563 136

6. ATIK ISHRAK
S/O AMIN SARIF
AGED ABOUT 22 YEARS
R/AT GARIGAON
FAKIRPARA, MAZAR SARIF ROAD
GUWAHATI, ASSAM - 781 012

7. NATIONAL MEDICAL COMMISSION,
POCKET 0.14, SECTOR 8
DWARKA
NEW DELHI - 11007
REPRESENTED BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI PRADEEP PATIL, ADVOCATE FOR R-1, 2, 4 TO 6;
SRI ABHISHEK MALIPATIL, ADVOCATE FOR C/R3 &
SRI SHOWRI H.R., ADVOCATE FOR R-7)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS IN AND SET ASIDE THE ORDER DATED 30.07.2025 PASSED BY LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P. No. 9023/2024, W.P. No. 16065/2024 AND W.P. No. 16121/2024, AND DISMISS THE WRIT PETITIONS FILED BY THE PETITIONERS AND ETC.

IN WA NO. 1482/2025

BETWEEN:

1. RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES
4TH T BLOCK, JAYANAGAR

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BENGALURU - 560 041
REP BY ITS REGISTRAR EVALUATION

...APPELLANT

(BY SRI P.P. HEGDE, SENIOR ADVOCATE A/W
SMT. FARAH FATHIMA, ADVOCATE)

AND:

1. CHINMAYA S.L.
S/O LOKESH S.K.
AGED ABOUT 20 YEARS
R/AT NO.73, 3RD FLOOR, 2ND CROSS
R.K. GARDEN, NEW BEL ROAD
BENGALURU - 560 054
2. NIHAR BORA
S/O RAJANAND BORA
AGED 21 YEARS
R/AT BOYS HOSTEL
VYDEHI INSTITUTE OF MEDICAL SCIENCES
WHITEFIELD EPIP ZONE
BENGALURU - 560 066
3. KALEKHAN SAFIULLA KHAN
S/O KALEKHAN SAMEER KHAN
AGED 21 YEARS
R/AT BOYS HOSTEL
VYDEHI INSTITUTE OF MEDICAL SCIENCES
WHITEFIELD EPIP ZONE
BENGALURU - 560 066
4. BHUVAN GOWDA G
S/O GAJENDRA
AGED ABOUT 21 YEARS
DEVANAHALLI TALUK
YALUVAHALLI, VIJAYAPURA
BENGALURU RURAL - 562 135

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5. NATIONAL MEDICAL COMMISSION
POCKET NO.14, SECTOR 8, DWARKA
NEW DELHI - 11007
REPRESENTED BY ITS SECRETARY

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, ADVOCATE FOR R-1,
SRI PRADEEP PATIL, ADVOCATE FOR R-2 TO R-4 &
SRI SHOWRI H.R., ADVOCATE FOR R-5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS IN AND SET ASIDE THE COMMON ORDER DATED 30/07/2025 PASSED BY LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WP NO.10806/2024 AND DISMISS THE WRIT PETITIONS FILED BY THE PETITIONERS AND ETC.

THESE APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

C.A.V. JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant (Rajiv Gandhi University of Health Sciences) has filed the present set of appeals impugning a common order dated 30.07.2025 passed by the learned Single Judge of this Court in a set of writ petitions being W.P.No.9023/2024 (EDN-RES)

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connected with W.P.Nos.9816/2024, 10806/2024, 11407/2024, 16065/2024, 16121/2024, 23089/2024, 31341/2024, 31762/2024, 32027/2024, 3488/2025 and 4756/2025.

2. The appellant is a Health Science University established on 01.06.1996 by the Government of Karnataka under the Rajiv Gandhi University of Health Sciences, Karnataka Act, 1994.

3. The writ petitioners are students pursuing the first-year MBBS course at the appellant university [hereinafter '**the University**']. The writ petitioners had filed their respective writ petitions seeking several reliefs.

4. A tabular statement indicating the reliefs sought by the writ petitioners in various writ petitions that are disposed of by the common order are set out below:

WP 31341/2024	a) Issue a Writ, order or direction in the nature of Mandamus to the respondent to provide the photocopies of the answer scripts along with valuation slips of the petitioners. b) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university send the petitioners answer scripts to the one more valuator for the revaluation and announce the results of the best marks as awarded by all the examiners before the commencement of examinations. c) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university
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	<p>to direct the respondent university to henceforth provide the key answers, key words/points, key phrases/terms, to the examiners for evaluating all the question papers set by it for all the MBBS Examinations conducted by the Respondent Rajiv Gandhi University of Health Sciences.</p> <p>d) Issue a Writ, Order or Direction in the nature of certiorari to dated 26.08.2024 produced as quash the impugned Notification vide NO.RGUHSB/RRAC/AUTH(MEET) / 8 / 2024 ANNEXURE- H.</p> <p>e) Issue a Writ, order or direction in the nature of Mandamus to the respondent no 1 to Declare the petitioners to be entitled for one additional attempt to clear failed subjects of MBBS 1st phase examinations which is scheduled on 02-12-2024 holding petitioners to be entitled for continuation of the course by considering the representations at ANNEXURE K1 to K3.</p> <p>f) Pass such other orders/directions as this Hon'ble Court may deem it fit & proper considering the facts & Circumstances of this case, in the interest of justice and equity.</p>
WP 32027/2024	<p>a) Issue a Writ, order or direction in the nature of Mandamus to the respondent to provide the photocopies of the answer scripts along with valuation slips of the petitioners.</p> <p>b) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university send the petitioners answer scripts to the one more valuator for the revaluation and announce the results of the best marks as awarded by all the examiners before the commencement of examinations.</p> <p>c) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university to direct the respondent university to henceforth provide the key answers, key words/points, key phrases/terms, to the examiners for evaluating all the question papers set by it for all the MBBS Examinations conducted by the Respondent</p>

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	<p>d) Rajiv Gandhi University of Health Sciences. Issue a Writ, Order or Direction in the nature of certiorari to quash the impugned Notification dated 26.08.2024 vide NO. RGUHSB/RRAC/AUTH(MEET) / 8 / 2024 produced as ANNEXURE- H.</p> <p>e) Issue a Writ, order or direction in the nature of Mandamus to the respondent no 1 to Declare the petitioners to be entitled for one additional attempt to clear failed subjects of MBBS 1st phase examinations which is scheduled on 02-12-2024 holding petitioners to be entitled for continuation of the course by considering the representations at ANNEXURE K1 to K2.</p> <p>f) Pass such other orders/directions as this Hon'ble Court may deem it fit & proper considering the facts & Circumstances of this case, in the interest of justice and equity.</p>
WP 31762/2024	<p>a) Issue a Writ, order or direction in the nature of Mandamus to the respondent to provide the photocopies of the answer scripts along with valuation slips of the petitioners.</p> <p>b) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university send the petitioners answer scripts to the one more valuator for the revaluation and announce the results of the best marks as awarded by all the examiners before the commencement of examinations.</p> <p>c) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university to direct the respondent university to henceforth provide the key answers, key words/points, key phrases/terms, to the examiners for evaluating all the question papers set by it for all the MBBS Examinations conducted by the Respondent Rajiv Gandhi University of Health Sciences.</p> <p>d) Issue a Writ, Order or Direction in the nature of certiorari to quash the impugned Notification 26.08.2024 dated vide NO. RGUHSB/RRAC/AUTH(MEET) / 8 / 2024 produced as ANNEXURE- H.</p>

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	<p>e) Issue a Writ, order or direction in the nature of Mandamus to the respondent no 1 to Declare the petitioners to be entitled for one additional attempt to clear failed subjects of MBBS 1st phase examinations which is scheduled on 02-12-2024 holding petitioners to be entitled for continuation of the course by considering the representations at ANNEXURE K1 to K2.</p> <p>f) Pass such other orders/directions as this Hon'ble Court may deem it fit & proper considering the facts & Circumstances of this case, in the interest of justice and equity.</p>
WP 11407/2024	<p>a) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university send the petitioners answer scripts to the one more valuator for the revaluation and announce the results by considering the best marks as awarded by the examiners.</p> <p>b) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university to direct the respondent university to henceforth provide the key answers, key words, key phrases/terms, to the examiners for evaluating all the question papers set by it for all the MBBS Examinations conducted by the Respondent Rajiv Gandhi University of Health Sciences.</p> <p>c) Issue a Writ, order or direction in the nature of Mandamus to the respondent to Permit the petitioner students to attend on going classes of the 2nd year MBBS which are already commenced.</p> <p>d) Issue a Writ, order or direction in the nature of Mandamus to the respondent to provide answer scripts along with valuation slips of the petitioners.</p> <p>e) Pass such other orders/directions as this Hon'ble Court may deem it fit & proper considering the facts & Circumstances of this case, in the interest of justice and equity.</p>

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<p>WP 9023/2024, WP 16065/2024, WP 16121/2024</p>	<p>a) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university send the petitioners answer scripts to the one more valuator for the revaluation and announce the results by considering the best marks as awarded by the examiners.</p> <p>b) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university to direct the respondent university to henceforth provide the key answers, key words, key phrases/terms, to the examiners for evaluating all the question papers set by it for all the MBBS Examinations conducted by the Respondent Rajiv Gandhi University Of Health Sciences.</p> <p>c) Issue a Writ, order or direction in the nature of Mandamus to the respondent to provide an opportunity to appear and write in the upcoming examination scheduled in the month Oct-Nov 2024.</p> <p>d) Pass such other orders/directions as this Hon'ble Court may deem it fit & proper considering the facts & Circumstances of this case, in the interest of justice and equity.</p>
<p>WP 10806/2024</p>	<p>a) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university send the petitioners answer scripts to the one more valuator for the revaluation and announce the results by considering the best marks as awarded by the examiners.</p> <p>b) Issue a writ order or direction in the nature of mandamus to the respondent No 1 university to direct the respondent university to henceforth provide the key answers, key words, key phrases/terms, to the examiners for evaluating all the question papers set by it for all the MBBS Examinations conducted by the Respondent Rajiv Gandhi University of Health Sciences.</p> <p>c) Issue a Writ, order or direction in the nature of Mandamus to the respondent to provide a</p>

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	<p>5 Grace Marks in one subject to the petitioners.</p> <p>d) Issue a Writ, order or direction in the nature of Mandamus to the respondent to Permit the petitioner students to attend on going classes of the 2nd year MBBS which are already commenced.</p> <p>e) Pass such other orders/directions as this Hon'ble Court may deem it fit & proper considering the facts & Circumstances of this case, in the interest of justice and equity.</p>
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5. The learned Single Judge had allowed the writ petitions in part with the following directions:

"i) The writ petitions are **allowed in part**;

ii) The Syndicate and Academic Council of the respondent-University is directed to reconsider the matter afresh, specifically with regard to providing essential key answers or model answers for descriptive questions, in order to prevent anomalies or ambiguities during the initial evaluations and to ensure fairness and transparency in the examination process.

iii) The respondent-University is directed to forward the answer scripts of the petitioners, in all these writ petitions, to an additional Evaluator for fresh assessment, in light of the significant discrepancy between the marks awarded by the Evaluators Nos. 1 and 2 and to complete the entire process within two weeks from the date of receipt of certified copy of this order and the results shall be announced forthwith. In the event the petitioners are found to have passed the examination after evaluation by the additional Evaluator, such petitioners are entitled to all consequential benefits arising therefrom, as applicable.

iv) It is made clear that the direction issued by this court with regard to, additional evaluation of the answers

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scripts of the petitioners herein by the respondent-University, is only confined to the relief sought for in these writ petitions and cannot be construed as precedent for any other cases, as such.

v) In view of the above observations, the validity of the notifications dated 26.08.2024 and 05.09.2022 issued by the respondent-University shall be examined in the appropriate proceedings."

6. As is apparent from the above, the directions issued are essentially two-fold. First, the learned Single Judge had directed that the matter of providing essential key answers or model answers for descriptive questions be reconsidered by the Syndicate and Academic Council of the University. And second, that the answer scripts of the writ petitioners be sent to an additional evaluator for fresh assessment.

7. Insofar as the first direction is concerned, the University has no grievance. The Syndicate and Academic Council have already considered the issue of providing key answers or model answers in regard to the subjective examination.

8. It is material to note that the National Medical Commission [NMC] had, in one of the writ petitions, filed a reply which supported the contention that the key answers are required to be provided even for subjective questions. The NMC explained that

key answers would contain "key words" and "key phrases/terms," that must be found in students' answer scripts. The same would serve as the basis/guide for the evaluators/examiners when awarding marks. However, NMC appears to have subsequently altered its stand. It now states that subjective answers cannot be evaluated on the basis of key phrases or terms used in the answers.

9. In our view, it would not be apposite for this Court to examine as to how answers to questions in a particular subject are required to be evaluated. The question whether 'key phrases' or 'key terms' would assist in evaluating the answers to subjective-type questions is clearly a matter which would need to be examined by the experts. The University's contention is that answers to medical science questions are evaluated based on students' understanding and knowledge. Their knowledge cannot be evaluated on the anvil, whether they have used key phrases or terms in the language used to express their answers. This contention is not insubstantial. However, as stated above, it is not appropriate for this Court to examine the said issue, which must necessarily be left to the knowledge and wisdom of the experts.

10. We note that in the present case, the learned Single Judge has merely directed the Syndicate and the Academic Council of the University to examine this issue. The University cannot be aggrieved by the same. However, the learned Single Judge has made observations which may be considered as binding. In this regard, we clarify that nothing stated in the impugned order is to be construed as a firm opinion on whether model answer keys containing key phrases and key terms are required to be provided to the examiners for the evaluation of answers to subjective questions. The University is at liberty to take an appropriate decision uninfluenced by the observations made in the impugned order.

11. In view of the above, the only remaining question to be examined is whether the learned Single Judge's direction to forward the answer scripts of the writ petitioners for an additional evaluation or fresh assessment is sustainable.

12. The manner in which the answer scripts are to be evaluated is covered by an "Ordinance / Notification Governing Central Assessment Programme (CAP) for theory paper assessment of all

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Under Graduate Health Science Courses of University" [hereafter
'the Ordinance']

13. The Ordinance was promulgated by the Syndicate of the University at the meetings held on 02.09.2022 and 05.09.2022 in exercise of the statutory power conferred under Section 35(1) of the Rajiv Gandhi University of Health Sciences Act, 1994. In terms of paragraph 1 of the Ordinance, it would come into effect from the examination conducted on or after 01.09.2022. The Ordinance is reproduced below:

"1. TITLE & COMMENCEMENT:

This Ordinance / Notification may be called "Ordinance / Notification Governing Central Assessment Programme (CAP) for theory paper assessment of all Under Graduate Health Science Courses of University".

This Ordinance / Notification shall come into force with effect from the examination conducted on or after **01.09.2022**

2.APPLICABILITY:

This ordinance shall apply to evaluation of theory answer scripts of all Undergraduate Medical, Dental, Pharmacy, Ayurveda, Homoeopathy, Unani, Nursing, Allied Health sciences, BPT BNYS Courses except for the students admitted to BAMS & BUMS on and after 2021-2022.

This ordinance is not applicable for viva-voce/clinical/practical examinations.

3. DEFINITIONS:

General Valuation - Means evaluation conducted by the first eligible examiner of the respective faculties through the digital valuation system.

Re-evaluation - Means evaluation conducted by the second eligible examiners of the respective faculties through the digital valuation system.

4. PROCEDURE FOR VALUATION:

All answer scripts of all undergraduate health sciences courses of RGUHS be subjected to general evaluation by the first eligible examiner and re-evaluation by the second eligible examiner of the respective faculties through the digital valuation system before the computation of results.

5. PROCEDURE FOR COMPUTATION OF RESULTS:

The highest of the total marks awarded by either of the two evaluators i.e., best total marks awarded by any of the two evaluators for the paper shall be considered for computation of the results. If any decimals occurring during individual evaluator total marks awarded by the examiner shall be rounded off to the next higher value for the purpose of computation of results.

The marks awarded and the results so declared shall be final and under any circumstances further valuation shall not be entertained and should be made applicable prospectively."

[emphasis added]

14. The Ordinance is delegated legislation and is the law that covers the field of how the answer sheets are to be evaluated. Thus, the answer sheets must be evaluated in accordance with the statutory prescription. As is clear from the provisions of the Ordinance, the general valuation is to be conducted by the first

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eligible examiner, and the revaluation is to be conducted by the second eligible examiner. The highest of the marks awarded by the two evaluators is required to be considered as the final computation of the result. There is no statutory provision for further revaluation of the answer scripts or for referring the matter to a third evaluator. Since the statutory scheme of the Ordinance prescribes a particular method of evaluation, the evaluation of the answer scripts can be done only in the manner as provided and no other.

15. It is also material to note that the learned Single Judge has neither struck down the Ordinance nor read it down. Thus necessarily, the final result is required to be computed in accordance with the ordinance.

16. It is now well settled that if the statute, rules or regulations do not provide for revaluation of answer scripts, such revaluation would be impermissible. In **Maharashtra State Board of Secondary and Higher Secondary Education & Anr. v. Paritosh Bhupeshkumar Sheth & Ors.**¹, the Supreme Court set aside the order of the High Court which had held that examinees were

¹ (1984) 4 SCC 27

entitled to seek disclosure, inspection, and re-evaluation of answer-sheets, and held that in the absence of a specific provision conferring a right upon an examinee to have his answer-books re-evaluated, no such direction can be issued. This principle was reiterated in **Pramod Kumar Srivastava v. Chairman, Bihar Public Service Commission, Patna & Others**², where the Supreme Court held that in the absence of any provision for re-evaluation of answer-books in the relevant rules, no candidate in an examination has any right to insist on the re-evaluation of his marks.

17. In **Dr. NTR University of Health Sciences v. Dr. Yerra Trinadh & Others**³, the Supreme Court, after considering the decisions in **Pramod Kumar Srivastava (supra)**, **Ran Vijay Singh v. State of U.P.**⁴, and **Vikesh Kumar Gupta & Another v. State of Rajasthan & Others**⁵, expressly disapproved the practice of High Courts calling for answer scripts to satisfy themselves as to whether re-evaluation was warranted and thereafter directing re-evaluation in the absence of any specific provision in the relevant

² (2004) 6 SCC 714

³ 2022 INSC 1172

⁴ (2018) 2 SCC 357

⁵ (2021) 2 SCC 309

rules. The Court held that such a course, while exercising powers under Article 226 of the Constitution of India, was wholly impermissible.

18. In **Ran Vijay Singh (*supra*)**, the Supreme Court observed as under:

“30.2 If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed;”

19. It is relevant to note that the Ordinance governing the evaluation of the answer scripts expressly provides that "*the marks awarded and the results so declared shall be final and under any circumstances further valuation shall not be entertained.*", Thus the revaluation is impermissible.

20. In the present case, the learned Single Judge had directed revaluation on the ground that there was a wide variation in the marks awarded by the first evaluator and the re-evaluator. The large gap in the marks awarded by the two evaluators clearly indicates greater subjectivity in evaluating subjective answers.

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However, we are unable to accept that referring the answer scripts to a third valuer would, in any manner, mitigate this element of subjectivity in the evaluation of answer scripts. It is perhaps for this reason that the Ordinance provides that the highest of the marks awarded by the evaluators be considered as the result of the examination. Thus, the candidate is accorded the benefit of the best of two evaluations.

21. As noted above, referring the answer scripts for further evaluation by a third evaluator would not mitigate the subjectivity. Thus, the very reason that persuaded the learned Single Judge to direct re-evaluation is not addressed. If the third evaluator's assessment is lower than the marks awarded – that is, the highest marks of the two evaluators – then the final result as declared would have to be accepted. But if the third evaluator awards higher marks – that is higher than the marks awarded by the two evaluators – the question would arise as to which of the marks is required to be accepted. There is no provision to declare the results on the basis of the highest marks awarded by three evaluators. There is also no provision for averaging the marks awarded by evaluators for finalising the result. In this view, the

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direction to refer the answer scripts to the third evaluator is unsustainable.

22. It is not open to this Court to evolve a method for evaluating answer scripts and to supplant the method provided under the Ordinance. Evaluation of the answer scripts is covered by a statutory prescription, and therefore, it is neither apposite nor permissible for the Court to issue directions regarding evaluation which run contrary to the statute.

23. In view of the above, we are unable to sustain the impugned direction or revaluation of the answer scripts by a third evaluator. Accordingly, we set aside the said direction.

24. The present appeals are allowed in the aforesaid terms.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**