

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT PETITION NO: 471 OF 2026

Between:

1. Durgam Venkatesh Kumar, (Hall ticket No 22117002002), S/o Durgam Komuraiah, Age 36years, R/o. H.No.21-9/1, Sharadanagar,Dilsuknagar, Hyderabad - 500060.
2. Vaishnavi Devi Reddy, (Hall ticket No 22105013009) Age-28 years, D/o. D.Nagarjun Reddy, R/o. Plot No. C-2, Madhura Nagar, Hyderabad-500038
3. Mada Roja, (Hall Ticket No.22113002006) D/o Mada Obaiah, Aged 29 years R/o. 42/973-2, Near Lord Rama Temple, Beside Shivalayani Street, MJ Kunta,Kadapa
4. B. Praneeth, (Hall Ticket No. 22106010002), Aged 35 Years, S/o B. Jaya Raju, R/o . LIG-B-186, Dr. A.S. Rao Nagar, ECIL Post, Hyderabad - 500062.
5. K.Roopa, Hall ticket No 22101008002, D/O K.Chennakeshavulu, Age 36 years, Address H. No 2-50/1, Madhavanipally, Amrabad, Nagarkurnool district.
6. Samir Gajanan Zade, (Hall Ticket No 22111003012) S/o. Gajanan Warluji Zade Aged 28, R/o. Address- Room No.202, MGM Hospital Road, Warangal, Telangana 506002
7. Meeniga Pradyumna, (Hall ticket no 220071105405), S/o, M Soma Sekhar, Aged 29years, R/o. Flat No. 201, Kothakota, Wanaparthy District - 509381.
8. Tabassum Sultana, (Hall ticket Number 18119002003) W/o. Md.Omer, Aged 31 years, H.No 16-1-24/B/A/8, New Green Land Colony, Saidabad, Hyderabad - 500059
9. L. Tulasiram, (Hall ticket No 22111003005), S/o L Chandrunaik , aged 30 years, R/o. 3-82/1, Singaipally Village, Kodair Mandal, Nagarkurnool District, Telangana
10. Sana Kulsoom Basade, (Hall ticket number 22110004004), D/o. Imtiyaz Basade, Aged 27 years, R/o. 16-7-387, Flat No. 202, Aroosa Silver Plaza, Azampura, Chaderghat, Hyderabad, Telangana- 500024.
11. Shaharyar Elahi, (Hall Ticket No 22111003010) S/o MD Nasim. Aged 30 Years Address-House No. 15-3-74, C/o. Kooja Venkataiah, Opposite of Kakatiya Medical College, Ranagampet, Warangal, Telangana- 506007
12. Mannam Rajesh, (Hall ticket number 22112001014) Aged 39years, S/o. Mannam Das, R/o. House No. 4-9-776/13A, Road No. 2, Yellareddy colony, Hayathnagar, Ranga Reddy, Telangana, 501505
13. Girish Raheja, (Hall Ticket no 22119017001) Aged 43 years, S/o. Dr. Manohar P Raheja, R/o. Vinayaka's MBs De Royale Apartments, New Bhoiguda, Secunderabad - 500003
14. Kolisetty Sunil, (Hall ticket number 22119002004), Aged 47 years, S/o. Late Sri K.Nageshwar Rao, Resident of Flat No. 1303, SMR Vinay Sky City, Ramanthapur, Hyderabad - 500013
15. Ramu P, (Hall Ticket Number No. 22101003015), Aged 38 years, S/o. Porika Karan Singh, R/o. H.No 3-9-201,Reddy Colony, Hanamkonda - 506001

16. Anju Singh, Hall Ticket No. - 21118001001, W/o. Debendra Kumar Bhuyan, Aged 43 years, R/o. 131-C, Type-2, Block-7, Neyveli, Cuddalore District, Tamilnadu
17. Dr. Vanam Naveen Kumar, (Hall ticket number 21118003008) S/o. V. Bikshamaiah, aged 42 years R/o. Address -401, NVY and NYSY Enclave, Dwarakamai Nagar Road No.3, Vanasthalipuram, Hyderabad - 500070
18. Badar Fatima, (Hall ticket No. 22118015001) W/o. Shaik Dadavali, Aged 42 years, R/o. 17-1-376/70, Santhoshnagar, EWSH 95, Hyderabad.
19. M.Anusha, Aged 31 years, D/o. M.Narsimhulu Hall ticket No. -22118003005 R/o. Address- Sribalaji Towers, Anjaneya Nagar, Moosapet, Hyderabad.
20. Usha Rani Kowthalam, (Hall Ticket No.22113003007), Aged 37 years, D/o.K. Vijaya Sankar, H.No.5 - 77, Plot.No.53, Flat No.G1, Vaidheeki Nilayam, Beside Nandanavanam, HMDA Apartment, Durga Nagar, Kistareddypet, Sangareddy, Telangana - 502319
21. Murali Krishna Panam, (Hall ticket No.22105013005) S/o. P Venkat Rao, Aged 41 years, Address H.No 8-1-323/2, Kranthi Nagar Colony, Nalgonda, Telangana - 508001
22. Srivani Pagilla, Aged about 40 years, D/o. Ramulu.P, Hall Ticket No. 22110003017, R/o. H.No 4/45/A, Station Ghanpur, Jangaon District
23. Pratiksha Sunil Patil, (Hall Ticket No- 22110008012) D/o. Sunil S Patil, Age- 27 years, Flat No. 405, Eternal Apartment, Vinay Nagar Colony, Saidabad, Hyderabad - 500059
24. G.Srinivasulu Guptha, (Hall Ticket No.22102018004) S/o. G.Devendar Gupta, age 28 years, R/O. Flat No. 303, Srinivasa Heights, Chilaka Nagar, Uppal, Hyderabad - 500039
25. Ammati Srilaxmi, W/o. Keerthi Kanth, Age 29 yrs, Hall ticket No. 22101018001 R/o. Flat 501, TNR Manas Apartments, LB Nagar, Shivapuri Colony, Saroornagar Road, Hyderabad, Telangana - 500074
26. Parsi Chandana, (Hall Ticket No. 2114013005) D/o. Srinivas, Aged 28 years, R/o. Legend Marigold, Serilingampally, Telangana -500018
27. Kandula Prashanth, S/o.K. Narsimha Hall Ticket No- 22110010002, Aged 31 years R/o.3-56/1, Plot No. 220, RoadNo.14, Munuganoor, Hayathnagar, RangaReddy district - 501511
28. Surabhi Abhilash, Hall ticket No. 22105013008, S/o. S.Sathaiah, Age 29 yrs MD radiology R/o. 13, Aparna elixir, Khajaguda, Hyderabad
29. Bhavanam Rupasree, (Hall Ticket No. 22114010003), Aged 35 years, D/o. B .Ramakotireddy, R/o. The Sky Apartment, Flat No. 401, Guttala Begumpet, Madhapur, Kavuri Hills, Road No.9, Hyderabad, Telangana 500033
30. Modugu Manusha, (Hall Ticket No. 22110010008) Aged 29 years, D/o. M . Sreenivasarao R/o. Sree Nilayam ,4th floor, 3-439/MIG/SP, Road No.11, Mayuri Nagar, Miyapur, Hyderabad - 500049

...PETITIONERS

AND

1. State of Telangana, Represented by its Principal Secretary, Medical, Health and Welfare Department, Secretariat Building, Hyderabad.
2. Kaloji Narayan Rao University of Health Sciences, Warangal, Telangana - 506002 Represented by its Vice Chancellor/Registrar
3. Controller of Examinations, Kaloji Narayan Rao University, Warangal, Telangana
4. National Medical Commission, Represented by its Secretary, Pocket- 14, Sector-8, Dwarka Phase-1, New Delhi-110077

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ/Order/Direction, particularly in the nature of Writ of

Mandamus, declaring the action of the Respondents in evaluation of the answer sheets only by single or two evaluators instead of four as contemplated under the NMC Regulations and also in the absence of not following the regulations and awarding the marks accordingly as highly arbitrary and illegal and consequently direct the Respondents herein to value the answer sheets in accordance with the regulations issued by the NMC.

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to produce the digital answer sheets of the Petitioners along with audit logs/audit trails to verify as to whether they were examined in accordance with the regulations of the NMC and whether they were awarded the proper marks, during the pendency of the above Writ Petition.

Counsel for the Petitioners: SRI MAHADEV ANYARAMBHATLA

**Counsel for the Respondent No.1: SRI R.NAGARJUNA REDDY, AGP FOR
MEDICAL HEALTH & FW**

Counsel for the Respondent Nos.2 & 3: SRI T.SHARATH, SC FOR KNRUHS

Counsel for the Respondent No.4: --

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

THE HONOURABLE SMT. JUSTICE RENUKA YARA

WRIT PETITION No.471 of 2026

16th DAY OF MARCH, 2026

Between:

Durgam Venkatesh Kumar and 29 others.

...Petitioners

AND

The State of Telangana and 3 others.

...Respondents

ORDER:

Heard Sri Mahadev Anyarambhatla, learned counsel for the petitioners and Sri R. Nagarjuna Reddy, learned Assistant Government Pleader for Medical, Health and Family Welfare Department, for respondent No.1 and Sri T. Sharath, learned Standing Counsel for respondent Nos.2 and 3. Perused the entire record.

2. The writ petition is filed with the following prayer:

“...to issue writ/order/direction, particularly in the nature of Writ of Mandamus, declaring the action of Respondents in evaluation of the answer sheets only by a single or two valuers instead of four as contemplated under NMC regulations, and also in the absence of not following the regulations and awarding the marks accordingly as highly arbitrary and illegal and consequently direct the Respondents herein to value the answer sheets in accordance with the regulations issued by NMC and pass...”

Case of the petitioners:

3. The writ petition is filed by the petitioners, who have attended examination conducted by the respondents for the batch of 2023 which was held in the first week of October 2025, alleging that the examination has been conducted in violation of statutory regulations i.e., 'Post-Graduate Medical Educational Regulations, 2023' ('PGMER-23') issued by National Medical Commission ('NMC'), when all the medical universities and colleges are bound by such regulations. As per said regulations, as contemplated under Regulation 8.1, the medical college has to conduct the Formative Assessment (examination) and the university will conduct Summative Assessment (examination). Both the assessments shall consist of theory, clinical, practical and viva voce. The petitioners had achieved good marks in internal examinations in the Formative Assessment, and none of them failed.

4. In the previous examination conducted by respondent No.2- university, the percentage of failure candidates was 1-2%, whereas with the batch of 2023, the failure percentage increased to 11% and said increase is improbable. The petitioners submit that they attempted all the questions and submitted their answers correctly. But said answers have not been valued properly in accordance with statutory regulations. Therefore, the

petitioners were declared failed on the ground they have obtained 1 to 5 marks less than the required in aggregate or in individual paper. When one of the candidates made a request, her answer paper was revalued and it was found that for some of the answers she has written, no marks were assigned. After revaluation, said candidate, who was declared to have failed initially, was subsequently declared to have passed the examination. In view of said incident, the Vice-Chancellor has resigned from the post, as per newspaper reports. It is also learnt that at least 4 to 5 candidates were declared passed after such re-evaluation, though they were initially declared to have failed the examination. This backdrop gives ample scope for suspicion about the arbitrariness of the results declared on 04.11.2025, which is within a span of four days from the date of practical examinations, the last being held on 30.10.2025.

5. Further, as per Regulation 8.2 of PGMER-23, the examinations for the post graduates contemplates that examiners shall have three years experience as recognized postgraduate guide in the concerned subject. Further, minimum number of examiners per postgraduate examination shall be four, out of which two shall be internal examiners and at least one of them shall be from a different university outside the State and that an

examiner shall not be appointed for more than two consecutive regular examinations for the same institution.

6. As per Regulation 8.3, the MD/MS examination consists of theory paper, clinical/practical and viva voce examinations. The theory examination is descriptive answer of a question type, multiple choice question type or mix of both types. The theory examination for Summative Assessment shall be four theory papers. The viva voce examination shall be aimed at assessing the candidate's knowledge and competence about the subject, investigative procedures, therapeutic techniques, and other aspects of specialty.

7. Regulation 8.4 deals with valuation, which stipulates that all the teachers of other colleges of concerned universities and other universities who are eligible to be postgraduate examiners can perform valuation of answer scripts. Each answer script shall be subjected to two valuations by the concerned university, the average of the total marks awarded by two valuers rounded off to the nearest integer shall be considered for computation of the result. Whenever the difference in percentage of two valuations is 15% and more, of the total marks awarded, such answer script shall be subjected to third valuation. The average of the best two total

marks awarded by three valuers of the paper rounded off to the nearest integer shall be considered for final computation of the result.

8. There are four theory papers and marks allotted for each theory paper are 100. Thereby, the total number of marks for theory is 400 marks. The minimum required is 200 out of 400 and subject to condition that 40% minimum in each paper has to be obtained by the candidates. The clinical practical prescribed is 300 and 100 marks for viva voce making total of 400 out of which maximum passing marks are 200. For viva voce examinations 5% of total marks of clinical/practical and viva voce 20 marks will be of dissertation/thesis and it will be part of clinical practical examination of marks. An external examiner from outside the state would evaluate the dissertation/thesis and take viva voce on it. Marks are awarded on the quality of dissertation/thesis and performance in viva voce.

9. Respondent No.2 has chosen to issue letter dated 19.06.2025 to all Principals of Medical Collages offering PG Medical course affiliated to respondent No.2-university about PG Medical Regular Examination for 2022-23, wherein there shall be digital valuation and therefore, a single answer booklet without additional answer booklets will be issued to the candidates. As far as valuation was concerned, all answer script to be subjected to two valuations by the university and average to be taken by

rounding off to the nearest integer. Whenever there is a difference of 15% between two valuations, there was a third valuation. The average of two best total marks would be taken to the nearest integer. The answer scripts are issued to the valutors in a digital form and sample of the digital valuation system is as under:

Event Logged	Example
Examiner login	Prof. X logged into valuation portal at 09:02 AM
Script opened	Scanned Script # BAR123 opened
Marks entry	Q1=12, Q218 for script #BAR123
Edit made	Marks changed from 15 to 17 by Prof.Y
Final Evaluation submission	Script #BAR123 evaluation completed at 10:15 AM

10. The login helps double valuation, third valuation triggers and mark entry events resulting processing engines. The above letter dated 19.06.2025, according to the petitioners, is a violation of PGMER-23 issued by NMC, which stipulates valuation by at least four examiners. The petitioners submit that respondents could not confine the examiners only to two instead of four.

11. Further, the petitioners have learnt that the answer sheets are not valued by examiners having required qualifications i.e., at least 3 years experience. Though, there was communication to the professors in the colleges about valuation of the answer sheets by them, due to paucity of

time they could not evaluate. There is no information about valuation of the answer sheets by two examiners even in the light of communication issued by respondent No.2-university and that in case there was a variation more than 15%, the marks were sent to the third valuator. The petitioners have learned that there was no proper valuation by the examiners as contemplated under NMC regulations, and therefore, at least five candidates who were declared failed have subsequently been declared passed on account of revaluation.

12. The petitioners further submitted that marks were not awarded properly in the theory answers as well as viva voce tests. There were no external examiners and the internal examiners had no time to value the answer sheets of candidates with proper attention. The very fact of 11% of candidates failing shows arbitrary action on the part of respondents. When similar question arose in final year examinations held in April 2019, this Court in W.P.Nos.13965, 14013 and 16487 of 2019 decided on 05.08.2019, considered the scope of Regulation 14 issued by Medical Council of India in Medical Council of India Postgraduate Medical Education Regulations, 2000 (MCI Regulations), which is identical to Regulation 8.2 issued by NMC and directed the respondents to get the valuation of answer sheets by at least 4 examiners. Out of whom, two should be internal and two should

be external examiners and to conclude such an exercise within a period of 5 weeks from the date of receipt of order.

13. Further, in W.P.No.11204 of 2025 dated 02.05.2025, this Court directed to verify the answer scripts by the petitioners and pursuant to such directions, the same were verified and found that there are discrepancies of more than 15% marks between the first and second valuers. However, said papers were not sent for valuation by a third examiner.

14. The petitioners have shown their best performance but were deliberately failed by awarding lesser marks than they expected. Representations have been submitted to the Health Minister and Health Secretary, with the grievances to do justice by revaluation of the answer sheets. There was no positive response from the concerned authorities. Therefore, left with no other remedy, the petitioners have approached this Court by filing the present writ petition.

Case of the respondents:

15. Respondent Nos.2 and 3 filed counter admitting that petitioners were admitted into PG degree course in colleges affiliated to respondent No.2-university. The NMC issued guidelines for post graduate examination regulations *vide* PGMER-23. As per said guidelines/regulations, the

students have to pass theory and practical examination separately in terms of governing provisions pertaining to the scheme of examination. As per Regulation 8.1, the Medical College/Institute will conduct Formative Assessment and Summative Assessment. The Summative examination will consist of theory examinations. The students must secure minimum of 40% marks in each theory paper and not less than 50% aggregate in all the four papers in broad specialty and super specialty subjects, and obtaining 50% marks in practical examination shall be mandatory for passing the examination as a whole.

16. The petitioners appeared for the examination conducted by respondent No.2-university for PG MD/MS in the month of October 2025. The candidates were supplied with booklet containing page numbers. The university scanned the booklet answer sheet and said scanned answer sheet was sent to the valuers. There was valuation by two valuers and when the difference of marks awarded by two valuers was more than 15%, said papers were sent to the third valuator. The petitioners herein have secured less than 40% of the marks and therefore, they were declared failed.

17. According to respondents, the examiners have valued the answer scripts and said valuation cannot be called in question. Further, it is submitted that there are no discrepancies in evaluating the answer scripts.

There was only one candidate whose revaluation was done contrary to NMC regulations. Therefore, the State Government has constituted inquiry committee and the matter was investigated by vigilance department. In said inquiry, it was found that answer script of one candidate was revaluated contrary to regulations. As per NMC guidelines, there is no provision for revaluation of answer script. Therefore, action was taken against the then Vice-Chancellor for violating the rules. Subsequently, he resigned as Vice-Chancellor.

18. A candidate has to secure not less than 50% marks in theory and practical including clinical objective structured clinical examination and viva voce examination. 5% of practical marks will be for dissertation. External examiner outside the State will evaluate a dissertation thesis and take viva voce on it. Marks will be given on quality of dissertation and performance of viva voce. No grace mark is permitted in postgraduate examination.

19. The Regulations at 8.2 and 8.3 is admitted and it is submitted that petitioners' answer booklets were scanned and sent to two valuers and in case of difference in valuation was more than 15% the said answer papers were sent to third valuers. The petitioners secured less than 40% of marks and therefore, they are declared failed. The respondents denied improper

valuation of the answer sheets of the petitioners. It is only the petitioners who have failed in the examinations who are disputing the correctness of valuation without valid reasons. Hence, sought dismissal of the writ petition.

Additional affidavit by the petitioners:

20. The petitioners, after filing the writ petition, pursuant to orders of this Court paid Rs.2000/- to check the answer sheets along with the marks allotted. The petitioners were shown answer sheets, but they did not contain any marks allotted to each question paper in each paper. Instead, a separate sheet with marks script or marks report was shown. A verification of such marks by the first valuer and second valuer showed that there is drastic variation in marks said to have been awarded to each question.

21. In order to demonstrate the same, the marks obtained by petitioner Nos.1, 2, 3, 6 and 13 were mentioned in the additional affidavit to show that there are vast differences in the marks awarded by the first valuer and second valuer. It is pleaded that the difference in marks awarded goes to show that no yardstick was applied for evaluating the answer sheets and the valuation is done in totally arbitrary and whimsical manner.

22. Reference is made to the judgment of this Court in **Dr. P. Kishore Kumar v. State of Andhra Pradesh**¹, where the answer scripts have become object of study at ill-equipped diagnostic centres and valuation centres. The reports cannot be held to be reflective of the physical content of the answer scripts. It is submitted that the first page of answer script where marks are written is left blank and a separate sheet called 'script marks report' is appended to the answer script. It is submitted that online valuation taken up by the respondents is not infallible or foolproof.

23. According to the petitioners, there is no trace of valuation except for entering marks in the marks script. Consistency in valuation could not be shown in the answer sheets. The valuation is questioned referring to each of the marks script report of the petitioners. By referring to the mark sheets, it is submitted that both MCI regulations and KUHS regulations speak of valuation by four examiners and refusal of the university for revaluation is unjustified. Further, digital valuation may have eliminated the labour of examiners, but the application of mind of the examiners to the answers has not been eliminated.

24. Further, it is asserted that both tests and practicals have to be conducted by four examiners two external and two internal. The

¹ 2016(6) ALT 408 (S.B.)

Regulations of MCI of the year 2000 have been amended from time to time and they have been considered by this Court in W.P.No.13965 of 2019 and batch and said judgment has become final, wherein it is held that theory and practical examinations have to be conducted by four examiners including two outside examiners and not by two or three. No appeal was preferred against said judgment and therefore became final. The present writ petition is squarely covered under the same.

25. It is argued that only two valuers have valued the paper and the same is violation of Regulation 8.2 of PGMER-23 and 14 (1) B of MCI Regulations, 2000. Since the contents of the affidavit filed in support of the writ petition are not denied, it is urged that there is an admission about failures of 1 to 2% in the previous year and 10 to 11% for the year 2022-23 batch. The petitioners submitted that method of valuation by inexperienced examiners and the script marks report indicate that the marks awarded by the examiners have adversely affected the careers of petitioners and demoralized them.

26. Further, it is pleaded that the new regulations contemplate that even if they have passed in one of the heads, they again need to appear covering all the heads and such a course is totally unjust particularly when the marks are allotted for each head separately. The condition directing them to re-

appear for practical examination again though they have passed with good marks is unjust and the petitioners cannot be directed to reappear for the examinations particularly so when there were no particular regulations framed by MCI.

Contentions of the petitioners:

27. The arguments of the learned counsel for the petitioners are in tune with the contents of their pleadings. The learned counsel for petitioner relied upon Regulation 8.2 of PGMER-23 which is extracted and produced below:

“8.2 Examiners:

- a. The examiner (both internal and external) for the post-graduate examination in Broad and Super Specialties shall have three years' experience as recognized Post-graduate Guide in the concerned subject.
- b. The minimum number of examiners for post-graduate examination shall be four. Out of which, at least two shall be external examiners and least one of them shall be from different university outside the state.
- c. An examiner shall not be appointed for more than two consecutive regular examinations for the same institution.”

28. By relying upon the above Regulation it is contended that there has to be a minimum number of examiners for post graduate examination that is four. Out of said four examiners, two have to be external examiners and one of them shall be from a different university outside the State.

29. Further, the learned counsel for petitioners relied upon the judgment of this Court in W.P.No.13965 of 2019 and batch, wherein the relief sought was for revaluation of the answer sheets by four examiners as prescribed in Regulation 14 (1) (b) of the MCI Regulations, 2000, and the grievance was that their valuation was not done properly i.e., digitally instead a separate sheet is attached to the answer sheet awarding marks and the same is not in consonance with the law laid down by this Court in **Dr. P. Kishore Kumar** (supra) and **Dr. J. Kiran Kumar v. State of Andhra Pradesh**². In said judgment i.e., in W.P.No.13965 of 2019 and batch, reference is made to Regulations 14 (1) (b) and 14 (1) (c), which are extracted and produced below:

7. Regulation 14 (1) (b) and 14 (1) (c) read as under:

'14 (1) (b) For all Post Graduate Examinations, the minimum number of Examiners shall be four, out of which at least two (50%) shall be External Examiners, who shall be invited from other recognized universities from outside the State. Two sets of internal examiners may be appointed one for MD/MS and one for diploma.

14 (1) (c) Under exceptional circumstances, examinations may be held with 3 (three) examiners provided two of them are external and Medical Council of India is intimated the justification of such action prior to publication of result for approval. Under no circumstances, result shall be published in such cases without the approval of Medical Council of India."

² 2017 (6) ALT 213

30. On the basis of said Regulations, respondent No.2-university was directed to reevaluate the answer sheets of the petitioners by four examiners. Out of them, two to be internal examiners and two should be external examiners and to follow guidelines laid down by doing digital valuation. On the basis of said judgment, it is argued that the respondents have not challenged said judgment and the same became final. The present writ petition is squarely covered by the judgment in W.P.No.13965 of 2019 and batch and therefore, sought the same relief.

Contentions of the respondents:

31. *Per contra*, the case of the learned Standing Counsel for respondent Nos.2 and 3 is that the Regulation 8.2 i.e., Examiners of PGMER-23 is with respect to the manner of conducting the examination i.e., invigilators posted for conducting the examination physically. Regulation 8.2 does not refer to the valuation of paper, but it refers to the invigilators and their qualifications and the number of invigilators, who are supposed to be physically present for conducting the examination.

32. Further, according to learned Standing Counsel for respondent Nos.2 and 3, it is Regulation 8.4 i.e., Valuation, which is applicable to the actual valuation of answer scripts. The relevant Regulation 8.4 i.e., Valuation, of PGMER-23 is extracted and produced below:

8.4 Valuation:

- a. All the teachers of the other colleges of the concerned University or other Universities, who are eligible to be post-graduate examiners, can perform the valuation of the answer scripts.
- b. All the answer scripts shall be subjected for two valuations by the concerned University. The average of the total marks awarded by the two valuers for the paper, which is rounded off to the nearest integer (whole number), shall be considered for computation of the results. All the answer scripts, where the difference between two valuations is 15% and more of the total marks prescribed for the papers, shall be subjected to third valuation. The average of the best two marks, awarded by the three evaluators for the paper, rounded off to the nearest integer (whole number), shall be considered for final computation of the results.
- c. After the computation and declaration of the results, under no circumstances, revaluation is permitted.
- d. All the Health Universities/Institutions imparting post-graduate courses shall implement digital valuation.

33. Regulation 8.4 (b) above clearly indicates that each answer script shall be subjected to two valuations and average of the total marks awarded by the two valuers shall be rounded off to the nearest integer. And in case there is a difference between two valuations and the same is 15% and more, the said paper will be subjected to third valuation. Then, average of the best two total marks rounded off to the nearest integer shall be considered for final computations. Regulation 8.4 contains the criteria for valuation of MS, MD, MCh and DM courses with respect to maximum number of the

total marks for each paper and minimum marks to be secured for passing the examination.

34. Referring to the judgment of this Court in W.P.No.13965 of 2019 and batch, it is submitted that when said case was adjudicated by this Court, the attention of the Court was not drawn to regulation pertaining to valuation and therefore, this Court had proceeded to dispose of said writ petition directing the respondent-university to get the answer script revaluated by four examiners.

35. Learned Standing Counsel for respondent Nos.2 and 3 relied upon judgment of the Hon'ble Supreme Court of India in the case of **Dr. NTR University of Health Sciences v. Dr. Yerra Trinadh**³, wherein it is held that in the absence of any regulation for valuation of answer scripts either in the MCI Rules or the University Rules, the High Court erred in re-ordering valuation of answer scripts by calling for record of answer scripts and satisfying itself as to necessity of re-evaluation. Further, in said case, it was held that the University had adopted digital valuation, which was subsequently modified, improved, and deficiencies are removed, which was approved by the High Court. The digital valuation process was ordered to be scrupulously followed by the University by taking precautions for

³(2022) 18 SCC 716

accurate valuation digitally with a direction that results of original petitioners declared subsequent to valuation are appearing in supplementary examination to remain unaffected and unchallenged. Relying upon the judgment in **Dr. NTR University of Health Sciences** (supra), it is argued that this Court cannot give any direction for re-evaluation as the same does not exist in MCI Rules or the University Rules.

36. Along with the counter affidavit, the learned Standing Counsel for respondent Nos.2 and 3 submitted copy of NMC regulations, copy of the letter issued by respondent No.2-university to the Principals of all Colleges, copy of the marks sheets of the petitioners and the copy of Enquiry Committee constituted by the Government. By furnishing said information, it is argued that the petitioners failed to secure required marks as per the NMC Regulations, and therefore, they have been rightly declared as failed. Further, it is argued that percentage of failed candidates can vary from academic year to academic year and the percentage of failed candidates in itself does not give rise to any inference about arbitrary valuation of the answer sheets.

Findings of the Court:

37. The crux of petitioners' case is that the answer scripts of the petitioners ought to have been valued by four examiners, as per Regulation

8.2 of PGMER-23 issued by NMC, but not two or three valuers as claimed by respondent Nos.2 and 3. Now, respondent Nos.2 and 3 claim that valuation of answer scripts is not governed by Regulation 8.2 (b), but it is governed by Regulation 8.4 (b) of the PGMER-23.

38. When the relevant regulations are compared, it is seen that in Regulation 8.2 there is a reference to the examiner or examiners, who are going to conduct the examination. There is a reference to minimum number of examiners for conducting postgraduate examinations, which is four and out of said four examiners, two shall be internal examiners and two shall be from outside and one of them should be from outside the State. Regulation 8.2 does not contain any reference to valuation of the answer scripts of the students who appeared for postgraduate examination. The reference is only to the personnel who are going to conduct the examination, their experience, their number and limitation to act as an examiner, which is not more than two consecutive regular examinations for the same institution.

39. When Regulation 8.4 (b) is examined, it is seen that said Regulation refers to valuation of the answer scripts of the concerned university. Here there is a reference to the marks awarded by the valuator for the paper. The maximum marks for any paper and the minimum marks to be secured for passing in any paper. There is clearly condition laid down for valuation of

each answer script by two valuers and when the difference in two valuations is 15% or more, such a paper shall be referred to a third valuator and average of the best of two marks are to be taken into consideration i.e., Regulation 8.4 (b) is clearly about answer scripts and their valuation.

40. There is valid point in the argument of the learned Standing Counsel for respondent Nos.2 and 3 that it is Regulation 8.4 which is applicable to the valuation of answer scripts of the students of post graduate courses, but not Regulation 8.2. The petitioners have misguided themselves in expecting valuation of their answer scripts under Regulation 8.2 by ignoring Regulation 8.4.

41. It is also a point to be noted that there is no reference to the total marks and minimum marks in theory paper followed by practical examination and viva voce examination in Regulation 8.2 which is only concerned with the invigilators who are going to conduct the examinations. Such details about the theory paper, its maximum marks, minimum marks practical and viva voce examination is mentioned under Regulation 8.4. Therefore, this Court is of the considered opinion that respondent Nos.2 and 3 have conducted the examination as per Regulation 8.2 and have valued the answer script as per Regulation 8.4 (b) and therefore, there was

no irregularity or arbitrariness in conducting the examination or valuation of the answer scripts.

42. Furthermore, as per Regulation 8.4 (a) of the PGMER-23, all the teachers of the other colleges of the concerned university or universities, who are eligible to be postgraduate examiners can perform the valuation of the answer scripts. The above Regulation clearly makes distinction between a postgraduate examiner and valuator of answer script. The examiner, who is eligible to actually conduct the examination for the postgraduate students, can also perform the role of the valuator of the answer script. Thus, Regulation 8.4 (a) makes it clear that an examiner is different from valuator and examiner is also eligible to perform the role of the valuator of the answer scripts. Thus, Regulation 8.2 i.e., Examiners is distinct and separate from the Regulation 8.4 i.e., Valuations.

43. Referring to the additional affidavit, there is a new plea introduced about new regulations which contemplate even if the candidate passed one of the heads, they again need to appear covering all the heads as totally unjust when marks are allotted for each head separately. This is a plea which is taken as an afterthought after the petitioners have perused their marks by paying the required fee. The said relief is not part of the prayer of the main writ petition and therefore, cannot be considered.

44. Further, the plea of petitioners about arbitrary valuation, on account of difference in marks awarded by each valuator, for each question, is an exercise which cannot be taken up by this Court, as this Court lacks expertise in said arena. It is the domain of the valutors who are engaged by the university, who are competent persons to value the answer scripts and award marks. In any case, to avoid arbitrariness, whenever there is a difference of 15% or more, said paper is sent for valuation by a third valuator and therefore, the scope for arbitrariness is reduced.

45. Now, it is time to examine whether the present case is squarely covered by the judgment of this Court in W.P.No.13965 of 2019. The prayer/relief sought in the said writ petition is similar to the relief sought in the present writ petition. However, the fundamental difference in adjudication of the said case is applicability of MCI Regulations, 2000 and PGMER, 2023 issued by NMC. The said writ petition was adjudicated in 2019 was decided as per MCI Regulations 2000, more particularly Regulation 14 (1) (b). Subsequently, Regulations were modified in the year 2023. The examination conducted in October, 2025, is subject to Regulations 2023 i.e., PGMER, 2023, wherein Regulation 8.2 is akin to Regulation 14 (1) (b) of MCI Regulations, 2000. In MCI Regulations, 2000, there is no Regulation which is similar to Regulation 8.4 Valuation

of PGMER, 2023. Once, NMC has introduced Regulation 8.4 Valuation, there is no question of application of Regulation 8.2 (old 14 (1) (b) of MCI Regulations, 2000), for valuation of answer scripts of examination conducted in October, 2025.

46. To sum up, there is no merit in the petitioners' plea to assess their paper as per Regulation 8.2 of PGMER-23 issued by NMC, rather, the valuation of the answer script has to be done as per Regulation 8.4 and since the same is followed, the petitioners have no case to seek any direction to the respondents.

47. In view of the foregoing discussion, it is held that the writ petition is misconceived, lacks merits and is liable to be dismissed

48. In the result, the writ petition is **dismissed**. There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

SD/- M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI MAHADEV ANYARAMBHATLA, Advocate [OPUC]
2. Two CCs to GP FOR MEDICAL HEALTH & FW, High Court for the State of Telangana, at Hyderabad. [OUT]
3. One CC to SRI T.SHARATH, SC FOR KNRUHS [OPUC]
4. Two CD Copies

PSK.

PSK



CC TODAY

HIGH COURT

DATED:16/03/2026

ORDER

WP.No.471 of 2026



DISMISSING THE WRIT PETITION
WITHOUT COSTS

⑦
16/03/26
V.K.