

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2021

BEFORE

THE HON' BLE MR.JUSTICE R DEVDAS

W.P. NO. 15924/2021 (EDN-RES) C/W
W.P.Nos.15852/2021, 15856/2021,
15858/2021, 15866/2021, 15875/2021,
15883/2021, 15887/2021(EDN-RES)

In W.P.No.15924/2021

BETWEEN

1. SRI. PARDEEP SIHAG
S/O MAHAVEER PRASAD
AGED ABOUT 23 YEARS
OCC.: STUDENT
REG. NO. 16M5863
R/AT: WARD NO. 23,
BHADRA, HANUMAGARH,
RAJASTHAN - 335501.

...PETITIONER

(BY SRI. PRATHEEK K.C.,ADVOCATE AND
MS. KEERTHANA NAGARAJ, ADVOCATE)

AND

1. RAJIV GANDHI UNIVERSITY
BY ITS VICE CHANCELLOR
4TH T BLOCK EAST, PATTABHIRAMA NAGAR,
JAYANAGAR, BENGALURU, KARNATAKA-560041
2. RAJIV GANDHI UNIVERSITY
REGISTRAR (EVALUATION)
4TH T BLOCK EAST, PATTABHIRAMA NAGAR,
JAYANAGAR, BENGALURU, KARNATAKA 560041

3. KODAGU INSTITUTE OF MEDICAL SCIENCES
BY DR CARIAPPA K.B
DEAN & DIRECTOR
MADIKERI, KARNATAKA - 571201
4. DR. LOKESH A.J.
HOD, GENERAL MEDICINE DEPARTMENT
KODAGU INSTITUTE OF MEDICAL SCIENCES
MADIKERI, KARNATAKA - 571201
5. MEDICAL COUNCIL OF INDIA
(NOW NATIONAL MEDICAL COMMISSION)
POCKET 14, SECTOR 8,
DWARKA, PHASE-1,
NEW DELHI,-110077,
REPRESENTED BY ITS SECRETARY

....RESPONDENTS

(BY SRI. N.K. RAMESH, ADVOCATE FOR R1 AND R2)
SMT. SUMANA M. BALIGA, ADVOCATE FOR R3
SRI. N. KHETTY, ADVOCATE FOR R5)

In W.P.No.15852/2021

BETWEEN

1. KUM. SAHLA K.K.
D/O P ABDUL SATHAR
AGED ABOUT 24 YEARS,
OCC.: STUDENT
REG. NO. 16M5894
R/AT: 'SELVA'S"
ATHIRAKAM,
KOLEKKARA THAYATH,
P.O. MUNDAYAD, KANNUR,
KERALA - 670594.

...PETITIONER

(BY SRI PRATHEEK H.C., ADVOCATE AND
MS. KEERTHANA NAGARAJ, ADVOCATE)

AND:

1. RAJIV GANDHI UNIVERSITY
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MADIKERI, KARNATAKA - 571201
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HOD, GENERAL MEDICINE DEPARTMENT
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(NOW NATIONAL MEDICAL COMMISSION)
POCKET 14, SECTOR 8,
DWARKA, PHASE-1,
NEW DELHI,-110077,
REPRESENTED BY ITS SECRETARY
...RESPONDENTS

(BY SRI N.K. RAMESH, ADV. FOR R1 AND R2,(VK NOT FILED) SMT. SUMAN BALIGA, ADVOCATE FOR R3,
SRI N. KHETTY, ADV. FOR R5) (VK NOT FILED)

IN W.P. NO 15856/2021**BETWEEN**

1. KUM. HITHA B KIRAN,
D/O T G KIRAN,
AGED ABOUT 23 YEARS,
OCC.: STUDENT

REG. NO. 16M5834
 R/AT: #170, SHEELA MARG,
 2ND STAGE, SIDDHARTHA NAGAR,
 MYSURU - 570011.

...PETITIONER

(BY SRI PRATHEEK H.C., ADVOCATE AND
 MS. KEERTHANA NAGARAJ, ADVOCATE)

AND:

1. RAJIV GANDHI UNIVERSITY
 BY ITS VICE CHANCELLOR
 4TH T BLOCK EAST, PATTABHIRAMA NAGAR,
 JAYANAGAR, BENGALURU, KARNATAKA-560041
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 4TH T BLOCK EAST, PATTABHIRAMA NAGAR,
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4. DR. LOKESH A.J.
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 KODAGU INSTITUTE OF MEDICAL SCIENCES
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 (NOW NATIONAL MEDICAL COMMISSION)
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 NEW DELHI,-110077,
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....RESPONDENTS

(BY SRI. N.K. RAMESH, ADV. FOR R1 AND R2, (VK NOT
 FILED) SMT. SUMANA M. BALIGA, ADVO. FOR R3
 SRI. N. KHETTY, ADVOCATE FOR R5) (VK NOT FILED)

IN W.P. NO: 15858/2021**BETWEEN**

1. SRI. KAUSHIK ESHWAR
S/O S ESHWAR
AGED ABOUT 22 YEARS,
OCC.: STUDENT
REG.NO. 16M5839
R/AT: #103, 5TH CROSS,
BASAPPA LAYOUT, PATTANAGERE,
RAJARAJESHWARI NAGAR,
BENGALURU - 560098.

...PETITIONER

(BY SRI PRATHEEK H.C., ADVOCATE AND
MS. KEERTHANA NAGARAJ, ADVOCATE)

AND:

1. RAJIV GANDHI UNIVERSITY
BY ITS VICE CHANCELLOR
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JAYANAGAR, BENGALURU, KARNATAKA-560041
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(BY SRI. N.K. RAMESH, ADV. FOR R1 AND R2)(VK NOT FILED) SMT. SUMANA M. BALIGA, ADV. FOR R3,
SRI. N. KHETTY, ADVOCATE FOR R5) (VK NOT FILED)

IN W.P. NO.: 15866/2021

BETWEEN:

1. SRI PRADHYMAN G.K
S/O KRISHNA G.S
AGED ABOUT 23 YEARS
OCC.: STUDENT
REG NO. 16M5869
R/AT: 1829/6-1, B.M BYEPASS ROAD
HUNSUR-571105

...PETITIONER

(BY SRI PRATHEEK H.C., ADVOCATE AND
MS. KEERTHANA NAGARAJ, ADVOCATE)

AND:

1. RAJIV GANDHI UNIVERSITY
BY ITS VICE CHANCELLOR
4TH T BLOCK EAST, PATTABHIRAMA NAGAR,
JAYANAGAR, BENGALURU, KARNATAKA-560041
2. RAJIV GANDHI UNIVERSITY
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JAYANAGAR, BENGALURU, KARNATAKA-560041
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MADIKERI, KARNATAKA - 571201

4. DR. LOKESH A.J.
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(NOW NATIONAL MEDICAL COMMISSION)
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NEW DELHI,-110077,
REPRESENTED BY ITS SECRETARY

....RESPONDENTS

(BY SRI. N.K. RAMESH, ADV. FOR R1 AND R2)(VK NOT FILED) SMT. SUMANA M. BALIGA, ADV. FOR R3,
SRI. N. KHETTY, ADVOCATE FOR R5) (VK NOT FILED)

IN W.P. NO.: 15875/2021

BETWEEN:

1. SRI. RAJESH N.
S/O NAGARAJU B.
AGED ABOUT 23 YEARS,
OCC.: STUDENT
REG. NO. 16M5883
R/AT: JANGAMARAHALLY,
PAVAGADA TALUK,
TUMKUR DISTRICT - 572116.

...PETITIONER

(BY SRI PRATHEEK H.C., ADVOCATE AND
MS. KEERTHANA NAGARAJ, ADVOCATE)

AND:

1. RAJIV GANDHI UNIVERSITY
BY ITS VICE CHANCELLOR
4TH T BLOCK EAST, PATTABHIRAMA NAGAR,
JAYANAGAR, BENGALURU, KARNATAKA-560041

2. RAJIV GANDHI UNIVERSITY
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JAYANAGAR, BENGALURU, KARNATAKA-560041
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NEW DELHI,-110077,
REPRESENTED BY ITS SECRETARY
....RESPONDENTS

(BY SRI. N.K. RAMESH, ADV. FOR R1 AND R2)(VK NOT FILED) SMT. SUMANA M. BALIGA, ADV. FOR R3,
SRI. N. KHETTY, ADVOCATE FOR R5) (VK NOT FILED)

IN W.P.NO.: 15883/2021

BETWEEN:

1. SRI. HAMRAS HARIS H
S/O HARIS VK
AGED ABOUT 25 YEARS,
OCC.: STUDENT
REG. NO. 16M5831
R/AT: HIRA HOUSE,
PUTHUPPANAM POST,
VATAKARA VIA,
CALICUT KERALA – 673105 ...PETITIONER

(BY SRI PRATHEEK H.C., ADVOCATE AND
MS. KEERTHANA NAGARAJ, ADVOCATE)

AND:

1. RAJIV GANDHI UNIVERSITY
BY ITS VICE CHANCELLOR
4TH T BLOCK EAST, PATTABHIRAMA NAGAR,
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NEW DELHI,-110077,
REPRESENTED BY ITS SECRETARY

....RESPONDENTS

(BY SRI. N.K. RAMESH, ADV. FOR R1 AND R2)(VK NOT FILED) SMT. SUMANA M. BALIGA, ADV. FOR R3,
SRI. N. KHETTY, ADVOCATE FOR R5) (VK NOT FILED)

IN W.P. NO.: 15887/2021**BETWEEN:**

1. KUM. KELKAR PRIYANKA,
D/O PANDURANG,
AGED ABOUT 25 YEARS,

OCC.: STUDENT
REG. NO. 16M5841
R/AT: 17-4-488 C COLONY,
MAILLOOR, BIDAR-585401

...PETITIONER

(BY SRI PRATHEEK H.C., ADVOCATE AND
MS. KEERTHANA NAGARAJ, ADVOCATE)

AND:

1. RAJIV GANDHI UNIVERSITY
BY ITS VICE CHANCELLOR
4TH T BLOCK EAST, PATTABHIRAMA NAGAR,
JAYANAGAR, BENGALURU, KARNATAKA-560041
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REGISTRAR (EVALUATION)
4TH T BLOCK EAST, PATTABHIRAMA NAGAR,
JAYANAGAR, BENGALURU, KARNATAKA-560041
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MADIKERI, KARNATAKA - 571201
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HOD, GENERAL MEDICINE DEPARTMENT
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REPRESENTED BY ITS SECRETARY

....RESPONDENTS

(BY SRI. N.K. RAMESH, ADV. FOR R1 AND R2)(VK NOT
FILED) SMT. SUMANA M. BALIGA, ADV. FOR R3,
SRI. N. KHETTY, ADVOCATE FOR R5) (VK NOT FILED)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE VALUATION OF THE PRACTICAL ANSWER BOOK OF THE SUBJECT GENERAL MEDICINE OF THE EXAMINATIONS OF APRIL 2021, EVALUATED BY ONE INTERNAL EXAMINER, WHO DOES NOT HAVE THE LOCUS STAND TO DO SO, AND THREE EXTERNAL EXAMINERS VIDE ANNEX-A, AS VIOLATIVE OF REGULATION 13 OF THE GRADUATE MEDICAL EDUCATION REGULATIONS, 1997, NOTIFIED BY THE MEDICAL COUNCIL OF INDIA AND ETC.

THESE WRIT PETITIONS ARE COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

COMMON ORDER

R. DEVDAS J., (ORAL):

Smt. Sumana M. Baliga, learned counsel undertakes to file vakalath for 3rd respondent-Kodagu Institute of Medical Sciences.

The petitioners in these batch of writ petitions are students from the respondent-Kodagu Institute of Medical Sciences. All the petitioners are from the final year. Their grievance is that although they have been meritorious students and they have successfully completed all the previous semesters, in the 'Practical Examinations' that were conducted during the month of

March, 2021, they have been given very low marks as a consequence of which they have been declared as 'failed' in the practical examinations. The petitioners have been declared so, in one or two subjects. It is also contended that all the petitioners have secured the minimum passing marks in theory papers. Some of the petitioners have earlier approached this Court in W.P.No.8961/2021 and a Co-ordinate Bench of this Court by order dated 15.07.2021 directed the respondent-University (RGUHS) to consider the representations of the petitioners and pass appropriate orders in accordance with the Rules and Regulations of the University. Endorsements have been issued by the University reconsidering the representations, however, declining to re-conduct the practical examinations.

2. Learned counsel for the petitioners draws the attention of this Court to an order passed by a Division Bench of this Court in **W.A.No.615/2020** in the case of **RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES VS. MR.RANGEGOWDA.Y AND OTHERS**

wherein it was noticed that in the column where remarks were required to be made by the examiners, no remarks were filled. On that ground alone, the grievance of the students was directed to be redressed by directing the University to re-conduct the practical examinations within three weeks. Therefore, learned counsel for the petitioners would submit that in the present case it is not only that no remarks were made in the column provided for remarks, it is also submitted that the four examiners have not marked individually their marks and in some cases the signatures of some of the examiners are also missing.

3. Nevertheless, on hearing the learned counsels and on perusing the petition papers, this Court finds that when the Hon'ble Division Bench has granted relief to the students only on the ground that, no remarks were made in the remarks column, this Court finds in the present cases that in some of the cases the remarks columns are not filled and the marks are not mentioned individually by all the four examiners.

Therefore, these are definitely cases which are required to be disposed of in terms of the orders passed by the Hon'ble Division Bench.

4. Consequently, the writ petitions are partly allowed. Respondent-University (RGUHS) is hereby directed to re-conduct the 'Practical Examinations' and announce the results on or before 13.09.2021. This is necessary because the next examinations/supplementary examinations have already been announced to commence from 14.09.2021.

5. Needless to observe that the 'Practical Examinations' shall be conducted by the examiners who have not already examined these petitioners.

It is ordered accordingly.

**SD/-
JUDGE**

rv