

Karnataka High Court

Basanth K B vs Rajiv Gandhi University Of Health ... on 11 February, 2021

Author: R Devdas

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF FEBRUARY, 2021

BEFORE

THE HON'BLE MR.JUSTICE R DEVDAS

WRIT PETITION NO.231/2021 (EDN-RES)

C/W

WRIT PETITION NOS.1093/2021(EDN-RES),
1168/2021(EDN-EX),

1172/2021(EDN-RES), 1186/2021(EDN-RES),
1211/2021(EDN-RES), 1300/2021(EDN-RES),
1326/2021(EDN-RES), 1547/2021(EDN-RES),
1606/2021(EDN-RES), 1656/2021(EDN-RES),
1672/2021(EDN-RES), 1696/2021(EDN-EX),
1708/2021(EDN-RES), 1765/2021(EDN-RES),
1766/2021(EDN-RES), 1769/2021(EDN-RES),
1770/2021(EDN-RES), 1778/2021(EDN-RES),
1779/2021(EDN-RES), 1782/2021(EDN-RES),
1783/2021(EDN-RES), 1784/2021(EDN-RES),
1785/2021(EDN-RES), 1786/2021(EDN-RES),
1787/2021(EDN-RES), 1795/2021(EDN-RES),
1797/2021(EDN-RES), 1798/2021(EDN-RES),
1799/2021(EDN-EX), 1800/2021(EDN-RES),
1810/2021(EDN-RES), 1813/2021(EDN-RES),
1816/2021(EDN-EX), 1819/2021(EDN-RES),
1820/2021(EDN-RES), 1821/2021(EDN-RES),
1822/2021(EDN-RES), 1823/2021(EDN-RES),
1827/2021(EDN-RES), 1828/2021(EDN-RES),
1837/2021(EDN-RES), 1846/2021(EDN-RES),
1847/2021(EDN-RES), 1945/2021(EDN-RES),
2011/2021(EDN-RES), 2124/2021(EDN-RES),
2307/2021(EDN-RES), 2311/2021(EDN-RES),
292/2021(EDN-RES), 335/2021(EDN-RES), 807/2021
(EDN-EX), 808/2021(EDN-RES), 916/2021(EDN-RES),
920/2021(EDN-RES),
2313/2021 (EDN-EX)AND 2325/2021 (EDN-RES)

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IN W.P.NO.231/2021

BETWEEN

BASANTH K B

S/O BALACHANDRAN K R
AGED ABOUT 23 YEARS
R/AT KOLLADY HOUSE
ARIMPUR POST OFFICE
THRISSUR DISTRICT
KERALA-680620

...PETITIONER

(BY SRI ARUN KUMAR, SENIOR COUNSEL FOR
SRI SUNDARA RAMAN M V, ADVOCATE)

AND

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

2. THE REGISTRAR (EVALUATION)
RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES
JAYANAGAR
4TH T BLOCK EAST, PATTABHIRAMA NAGAR
JAYANAGAR, BENGALURU
KARNATAKA-560041

...RESPONDENTS

(BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO CAUSE A RE-EVALUATION OF THE MEDICINE PAPER BEARING CODE D02 AND BEARING QUESTION PAPER CODE 1093/GENERAL MEDICINE I (THEORY PAPER 1) TAKEN BY THE PETITIONER (REGISTER NUMBER 15M7279) IN OCTOBER 2020 BY THE 5TH EXAMINER AND COMPUTE THE FINAL RESULTS BASED ON THE AVERAGE OF 4 BEST SCORES AWARDED TO THE PETITIONER AND ETC.

IN W.P.NO.1093/2021 BETWEEN SRI SHARAN GOUDA POLICE PATIL S/O MALLIKARJUN GOUDA PATIL, AGED ABOUT 24 YEARS, R/O HERUR POST, GANGAVATHI TALUK, KOPPA DISTRICT-583227 ...PETITIONER (BY SRI SRINIVASA K, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE 4TH T BLOCK JAYANAGAR, BANGALORE-560041 REP BY ITS VICE CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, 4TH T BLOCK, JAYANAGAR, BANGALORE-560041

3. THE MEDICAL COUNCIL OF INDIA POCKET-14, SECTOR-8, DWARAKA PHASE-1, NEW DELHI-110077 REP. BY THE CHAIRMAN ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ SRI N KHETTY, ADVOCATE FOR R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

IMPUGNED NOTIFICATION DTD.13.10.2020 ISSUED BY THE R-2 VIDE ANNEXURE-F TO THE WRIT PETITION AS ARBITRARY, ILLEGAL AND DISCRIMINATORY AND ETC.

IN W.P. NO.1168/2021 BETWEEN

1. MISS. LAVANYA. K D/O. KANTHARAJAPPA, AGED ABOUT 23 YEARS, MEDICAL STUDENT OF RAJARAJESHWARI MEDICAL COLLEGE AND HOSPITAL, MYSORE ROAD, BANGALORE-560 074.

2. SRI. RAMNARAYANA REDDY M. S.

S/O. SRI. M. N. SHIVAREDDY, AGED ABOUT 23 YEARS, STUDENT OF SAPTHAGIRI INSTITUTE OF MEDICAL SCIENCES, HESARAGHATTA MAIN ROAD, CHIKKABANAVARA, BENGALURU-560 090.

3. SRI. PAVAN. R S/O. RAMESH. K. M., AGED ABOUT 23 YEARS, STUDENT OF KEMPEGOWDA INSTITUTE OF MEDICAL SCIENCES, ATHIBELE ROAD, 30TH MAIN ROAD, BANASHANKARI, BENGALURU-560 070.

...PETITIONERS (BY SRI D R RAVISHANKAR, ADVOCATE) AND

1. REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH BLOCK, JAYANAGAR, BANGALORE-560 041.

2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK, JAYANGAR, BANGALORE-560 041, REP BY ITS VICE-CHANCELLOR.

...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PRESENT SYSTEM OF EVALUATION BY FOUR EVALUATORS AND TAKING AN AVERAGE OF THE FOUR EVALUATORS IN RELATION TO UNDER GRADUATE MEDICAL COURSE IS DISCRIMINATORY AS AGAINST THE EVALUATION UNDERTAKEN IN RESPECT OF POST GRADUATE MEDICAL COURSE AND ETC.

IN W.P. NO.1172/2021 BETWEEN SRI SUMUKH H K S/O SRI.H.N.KRISHNAMURTHY AGED ABOUT 23 YEARS, R/AT SREE KANAKA NILAYA, 8TH CROSS, 4TH MAIN, SS PURAM TUMKUR-572 102 ...PETITIONER (BY SRI SRINIVASA K, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE 4TH T BLOCK, JAYANAGAR, BANGALORE-560041.

REP BY ITS VICE CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE 4TH T BLOCK, JAYANAGAR, BANGALORE-560041.

3. THE MEDICAL COUNCIL OF INDIA POCKET-14, SECTOR-8 DWARAKA PHASE-1, NEW DELHI-110077 REP BY THE CHAIRMAN ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ SRI N KHETTY, ADVOCATE FOR R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION DTD.13.10.2020 ISSUED BY THE R-2 VIDE ANNEXURE-F TO THE WRIT PETITION, AS ARBITRARY ILLEGAL AND DISCRIMINATORY AND ETC.

IN W.P. NO.1186/2021 BETWEEN SRI.VIJAYSAGAR GOWDA S/O N.G.CHANDREGOWDA AGED ABOUT 27 YEARS, IVTH YEAR MBBS, SAPTHAGIRI INSTITUTE OF MEDICAL SCIENCE, HESARAGHATTA MAIN ROAD, BANGALORE-560088.

...PETITIONER (BY SRI NAVEEN J N, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560041 REP BY ITS VICE CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE 4TH BLOCK, JAYANAGAR, BENGALURU-560070.

3. THE MEDICAL COUNCIL OF INDIA POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077.

REP BY THE CHAIRMAN, BOARD OF GOVERNORS, MEDICAL COUNCIL OF INDIA ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ SRI N KHETTY, ADVOCATE FOR R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-1 AND R-2 TO CONDUCT FRESH EVALUATION OF THE THEORY ANSWER SCRIPTS OF THE FAILED SUBJECTS OF THE MBBS EXAMINATIONS OF OCTOBER 2020 UNDERTAKEN BY THE PETITIONER IN TERMS OF THE REGULATIONS NOTIFIED BY THE MEDICAL COUNCIL OF INDIA AND TO ANNOUNCE THE RESULTS AFRESH AND ETC.

IN W.P. NO.1211/2021 BETWEEN

1. SURAKSHA KUMAR S/O KUMAR B S AGED ABOUT 23 YEARS MEDICAL STUDENT OF SAPTHAGIRI INSTITUTE OF MEDICAL SCIENCES BENGALURU NO.15, HESARAGHATTA MAIN ROAD NAVY LAYOUT, CHIKKASANDRA CHIKKABANAVARA BENGALURU-560090

2. PARTH PATERIYA S/O ARVIND PATERIYA AGED ABOUT 23 YEARS MEDICAL STUDENT OF SAPTHAGIRI INSTITUTE OF MEDICAL SCIENCES BENGALURU NO.15, HESARAGHATTA MAIN ROAD NAVY LAYOUT, CHIKKASANDRA CHIKKABANAVARA BENGALURU-560090
...PETITIONERS (BY SRI D R RAVISHANKAR, ADVOCATE) AND

1. REGISTRAR(EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK, JAYANAGAR BANGALORE-560041

2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK, JAYANAGAR BANGALORE-560041 REPT BY ITS VICE CHANCELLOR

3. THE MEDICAL COUNCIL OF INDIA POCKET 14, SECTOR 8 NEW DELHI-110077 REPRESENTED BY ITS SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ SRI N KHETTY, ADVOCATE FOR R₃) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THAT THE PRESENT SYSTEM OF EVALUATION BY FOUR EVALUATORS AND TAKING AN AVERAGE OF THE FOUR EVALUATORS IN RELATION TO UNDER GRADUATE MEDICAL COURSE IN DISCRIMINATORY AS AGAINST THE EVALUATION UNDERTAKEN IN RESPECT OF POST GRADUATE MEDICAL COURSE AND ETC.

IN W.P. NO.1300/2021 BETWEEN SRI ARVIND YADAV G R AGED ABOUT 21 YEARS S/O RAGHU M K 2ND YEAR BDS STUDENT R/AT GUNDUR, VIRGONAGAR K R PURAM BENGALURU-560049 ...PETITIONER (BY SRI V LAKSHMINARAYANA, SENIOR COUNSEL FOR SRI MANOJ S N, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK JAYANAGAR BANGALORE-560041 REPRESENTED BY ITS REGISTRAR

2. THE REGISTRAR OF EVALUATION RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK, JAYANAGAR BANGALORE-560041 ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO CONSIDER THE CASE OF THE PETITIONER FOR REVALUATION FOR PAPER (B02) GENERAL AND DENTAL PHARMACOLOGY AND THERAPEUTICS SUBJECT EXTEND THE RELIEF OF REVALUATION TO THE PETITIONER IN THE ABOVE PAPERS BASED ON THE BINDING JUDGEMENT OF THIS HONBLE COURT AND ETC.

IN W.P. NO.1326/2021 BETWEEN GOPAL T S S/O SRINIVASA AGE ABOUT 20 YEARS R/O NO 753, IDSM LAYOUT SIRA GATE, TUMKUR - 572106 ...PETITIONER

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(BY SRI VIGHNESHWAR S SHASTRI, ADVOCATE) AND

1. RAJIV GANDHI UNIVESITY OF HEALTH SCIENCES BY ITS VICE CHANCELLOR 4TH T BLOCK, JAYANAGAR BENGALURU - 560041

2. THE REGISTRAR EVALUATION RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR BENGALURU - 560041 REP BY ITS VICE CHANCELLOR ...RESPONDENTS

(BY SRI N K RAMESH, ADVOCATE FOR R1 & R2) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION FOR AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPT OF MBBS COURSE (RS-3 SCHEME) DATED 13.10.2020 I.E., B. THE MARKS AWARDED AND THE RESULTS DECLARED AFTER GENERAL VALUATION SHALL BE THE FINAL AND UNDER NO CIRCUMSTANCES FURTHER VALUATION SHALL BE ENTERTAINED ISSUED BY RESPONDENT UNIVERSITY AS PER ANNEXURE-A AS ULTRA VIRES AND UNCONSTITUTIONAL AND ETC.

IN W.P. NO. 1547/2021 BETWEEN SRI. SUMUKH. N AGED ABOUT 23 YEARS, S/O V NATARAJ, NO.24, 2ND CROSS, WIDIA LAYOUT, VIJAYANAGAR, BANGALORE-560040 ...PETITIONER

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(BY SRI RAJENDRA KUMAR SUNGAY T P, ADVOCATE) AND RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BANGALORE-560041 REP BY ITS REGISTRAR ...RESPONDENT (BY SRI N K RAMESH, ADVOCATE) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE NOTIFICATION DATED 13.10.2020 ISSUED BY THE RESPONDENT (VIDE ANNEXURE-G) AS ARBITRARY, ILLEGAL AND NOT SUSTAINABLE IN THE EYE OF LAW AND ETC.

IN W.P. NO.1606/2021 BETWEEN YASHAS K SHETTY S/O MUDDU KISHORE SHETTY, AGED ABOUT 22 YEARS, R/AT PANCHAVATI YERMAL BADA, UDUPI 574117.

...PETITIONER (BY SRI ABISHEK MARLA M J, ADVOCATE) AND

1. THE REGISTRAR EVALUATION RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, 4TH T BLOCK, JAYANAGAR, BENGALURU 560041.

2. A J INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE KUNTIKAAN MANGALURU REPRESENTED BY TIS DEAN

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...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 NOTICE NOT ORDERED IN R/O R2) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-1 TO CONSIDER THE REPRESENTATION DTD.11.1.2021 ANNEXURE-A MADE BY THE PETITIONER REQUESTING THE R-1 TO RE-EVALUATE PATHOLOGY PAPER 1 Q.P. CODE 1081 AND PATHOLOGY PAPER-2 Q.P. CODE 1082 AND ETC.

IN W.P. NO.1656/2021 BETWEEN MS NIREEKSHA S D/O. T. SHIVAKUMAR, AGED ABOUT 22 YEARS, REG. NO. 15M1745, R/O. NO. 20/1,SANKRITHI, 1ST CROSS, GAVIPURAM EXTENSION, BENGALURU 560019 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH-T-BLOCK, JAYANAGAR, BENGALURU 560041.

REP BY ITS VICE- CHANCELLOR,

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH 'T' BLOCK, JAYANAGAR, BANGALORE 560070

3. NATIONAL MEDICAL COMMISSION POCKET 14, SECTOR 8, DWARAKA PHASE 1,

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NEW DELHI 110077, REP BY ITS EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) WITH DTD.13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

IN W.P. NO.1672/2021 BETWEEN MS MANASA S B D/O K P SUDHINDRA REDDY AGED ABOUT 24 YEARS, REG NO. 14Mo842 R/O NO. 1828, 14TH CROSS 23RD MAIN, 1ST SECTOR KSR LAYOUT BENGALURU 560102 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK JAYANAGAR BENGALURU 560 041 REP BY ITS VICE CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK JAYANAGAR BENGALURU 560 070

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8

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DWARAKA PHASE 1 NEW DELHI 110077 REPRESENTED BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD.13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

IN W.P. NO.1696/2021 BETWEEN MR GOUTHAM HARIKUMAR S/O. V. HARIKUMAR AGED ABOUT 24 YEARS, REG NO. 16Mo739, R/O. 145/5, 2ND FLOOR, THERIPURAMBA

APARTMENTS, AGB LAYOUT, CHIKKABANAVARA, BENGALURU 560090 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH-T-BLOCK, JAYANAGAR, BENGALURU 560041.

REP BY ITS VICE CHANCELLOR,

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH-T-BLOCK, JAYANAGAR, BANGALORE 560070

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3. NATIONAL MEDICAL COMMISSION POCKET 14, SECTOR 8, DWARAKA PHASE 1, NEW DELHI 110077, REP BY ITS EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY VIDE ANNEXURE-N AND ETC.

IN W.P. NO.1708/2021 BETWEEN MS RESHMA M D/O DR. K MADHU AGED ABOUT 23 YEARS REG. NO. 16M5334 R/O GANGOTHRI PRRA-64A CHAMANIKODATHU ROAD, PALARIVATTOM P.O KOCHI, ERNAKULAM DISTRICT 682025 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

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

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR BENGALURU 560 070

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3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8 DWARAKA PHASE 1 NEW DELHI 110077 REPRESENTED BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

IN W.P. NO.1765/2021 BETWEEN MS AISWARYA GOPALKUMAR D/O GOPALKUMAR V, AGED ABOUT 26 YEARS, REG NO.13M7527, R/O SOUPARNIKA, NEAR CHITRANJALI JUNCTION,

IRIMPANAM POST OFFICE, COCHIN-682309 ...PETITIONER (BY SRI. ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560041 REP BY ITS VICE -CHANCELLOR

2. THE REGISTRAR (EVALUATION)

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RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BENGALURU-560070

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077, REPRESENTED BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-J AND ETC.

IN W.P. NO.1766/2021 BETWEEN MS ANISHA S M D/O. SHIVAKUMAR R, AGED ABOUT 23 YEARS, REG NO. 14M7262, R/O. NO. 127, KANSU, 1ST BLOCK, 9TH PHASE, AVALAHALLI, JP NAGAR, 9TH PHASE, BENGALURU 560053 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE 4TH-T-BLOCK, JAYANAGAR, BENGALURU 560041.

REP BY ITS VICE CHANCELLOR,

2. THE REGISTRAR (EVALUATION)

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RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH-T-BLOCK, JAYANAGAR, BANGALORE 560070

3. NATIONAL MEDICAL COMMISSION POCKET 14, SECTOR 8, DWARAKA PHASE 1, NEW DELHI 110077, REP BY ITS EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020

PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

IN W.P. NO.1769/2021 BETWEEN MR ANURAG SUKUMARAN S/O A K SUKUMARAN AGED ABOUT 23 YEARS REG NO.16M5266 R/O MEGASUMAM ERAESHIPALAM, CALICUT KOZHIKODE ,KERALA-673006 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK JAYANAGAR BENGALURU-560041 REP BY ITS VICE-CHANCELLOR

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2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK JAYANAGAR BENGALURU-560070

3. NATIONAL MEDICAL COMMISSION POCKET-14 SECTOR-8 DWARAKA PHASE 1 NEW DELHI-110077 REPRESENTED BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-J AND ETC.

IN W.P. NO.1770/2021 BETWEEN MS NAVYA SHREE V D/O L VENUGOPAL, AGED ABOUT 22 YEARS, REG NO.16M3283, R/O L VENUGOPAL., 1ST MAIN ROAD, 5TH CROSS, GARUDACHARPALYA, MAHADEVAPURA, BENGALURU-560048 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES

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4TH T BLOCK, JAYANAGAR, BENGALURU-560041 REP BY ITS VICE - CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BENGALURU-560070

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REPRESENTED BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

IN W.P. NO.1778/2021 BETWEEN MS RAKSHITHA J D/O R JAGADISH, AGED ABOUT 23 YEARS, REG NO.15M3858 R/O NO.2287, SHIVA KRUPA, 16TH MAIN, 3RD CROSS, VANGUNAHALLI, H S R LAYOUT, 1ST SECTOR, BENGALURU-560102 ...PETITIONER

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(BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560041 REP BY ITS VICE-CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BENGALURU-560041

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REPRESENTED BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

IN W.P. NO.1779/2021 BETWEEN MR SHAMIN ANAND S/O. SIVANAND P K, AGED ABOUT 26 YEARS, REG NO.12M1609 R/O. KAINKARYA, 88/3-8, K-06, 1ST CROSS,

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YELLAPA GARDEN, BANAGIRINAGAR, BANASHANKARI 3RD STAGE, BENGALURU 560085 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH-T-BLOCK, JAYANAGAR, BENGALURU 560041.

REP BY ITS VICE CHANCELLOR,

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH-T-BLOCK, JAYANAGAR, BANGALORE 560070

3. NATIONAL MEDICAL COMMISSION POCKET 14, SECTOR 8, DWARAKA PHASE 1, NEW DELHI 110077, REP BY ITS EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020

PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

IN W.P. NO.1782/2021 BETWEEN PRADEEP P DAVALAGI S/O PRABHAKAR DEVALAGI, AGED ABOUT 21 YEARS,

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HARALAYA COLONY, NEAR AGRICULTURE OFFICE, BASAVANA BAGEWADI-586203 BIJAPUR DISTRICT, PHASE III, PART II, MBBS (RS3) REG NO.11M0236 RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, HUBLI-580022 M451-K I M S HUBLI ...PETITIONER (BY SRI H B RUDRESH, ADVOCATE) AND

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

2. THE REGISTRAR (EVALUATION), RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES JAYANAGAR, 4TH T BLOCK, EAST, PATTABHIRAMA NAGAR, JAYANAGAR, BENGALURU-560041 ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO CAUSE A RE-EVALUATION OF THE GENERAL SURGERY AND OBG EXAMINATION PAPERS BEARING QUESTION PAPER CODE NO.1095-1097/GENERAL SURGERY-I AND II PAPERS AND QUESTION PAPER CODE NO.1098-1099/OBG-I AND II RESPECTIVELY, TAKEN BY THE PETITIONER (REGISTER NUMBER 11M0236) IN OCTOBER 2020 BY 5TH EXAMINER AND

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COMPUTE THE FINAL RESULTS BASED ON THE AVERAGE OF 4 BEST SCORES AWARDED THE PETITIONER AND ETC.

IN W.P. NO.1783/2021 BETWEEN MR. SARANG SATHEESH S/O SATHEESHAN O N, AGED ABOUT 23 YEARS, REG NO 15M7757, R/O ESSEL HEIGHTS APARTMENTS, OPPOSITE DOREBAIL CHURCH, MANGALORE 575004 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU 560041, REP BY ITS VICE CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BENGALURU 560070

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI 110077, REPRESENTED BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N

K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO

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ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

IN W.P. NO.1784/2021 BETWEEN MS SHILPA B P D/O B S PUTTARAJU, AGED ABOUT 24 YEARS, REG NO.15M1083, R/O NO.13, MATHA, 60 FEET ROAD, AMARAJYOTHINAGAR, VIJAYANAGAR, BENGALURU-560040 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560041 REP BY ITS VICE CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BENGALURU-560041

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REPRESENTED BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

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IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

IN W.P.NO.1785/2021 BETWEEN ROHITH H S/O HANUMANTHEGOWDA C AGED ABOUT 22 YEARS, R/AT NO.587/A ANJANADRI 6TH A MAIN, K C H S LAYOUT DODDABASTI MAIN ROAD, JNANABHARATHI POST BANGALORE-560056 ...PETITIONER (BY SMT SUMANA M BALIGA, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK JAYANAGAR, BENGALURU KARNATAKA -560041 REP BY REGISTRAR EVALUATION

2. NATIONAL MEDICAL COUNCIL POCKET NO.14 SECTOR 8, DWARAKA NEW DELHI-110077 REP BY ITS SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &

227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE EVALUATION III IN COMMUNITY MEDICINE I PRODUCED AS ANNEXURE-D QUASHING THE EVALUATION III IN COMMUNITY MEDICINE II PRODUCED AS ANNEXURE-D1 IN THE PHASE III- PART I MBBS EXAMINATION CONDUCTED BY THE RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES HELD IN THE MONTH OF

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NOVEMBER 2020 IN THE PHASE III - PART I MBBS EXAMINATION CONDUCTED BY THE RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES HELD ON OCTOBER 2020 AS ARBITRARY, ILLEGAL AND DISCRIMINATORY AND ETC.

IN W.P.NO.1786/2021 BETWEEN MR MANOJ KUMAR G S/O MR.GOPALAI AH.G AGED ABOUT 24 YEARS, R/AT 1149, 2ND CROSS, 1ST STAGE, VIDYAGIRI LAYOUT CHANDRA LAYOUT, BENGALURU-560072.

...PETITIONER (BY SRI NISHANTH A V, ADVOCATE) AND

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

2. THE REGISTRAR (EVALUATOR) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560 070.

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REP BY THE EXECUTIVE SECRETARY.

...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 NOTICE NOT ORDERED IN R/O R3) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO

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ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-J AND ETC.

IN W.P. NO.1787/2021 BETWEEN MR VAMSI KRISHNA M S/O. RAVI SEKHAR M, AGED ABOUT 22 YEARS REG NO.15M7715 R/AT FLAT NO. 504, BHARATH AASHRAYA APARTMENT, LOHIT NAGAR, KUNTIKANA JUNCTION, MANGALORE 575004 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH-T-BLOCK, JAYANAGAR, BENGALURU 560041.

REP BY ITS VICE CHANCELLOR,

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH-T-BLOCK, JAYANAGAR, BANGALORE 560070

3. NATIONAL MEDICAL COMMISSION POCKET 14, SECTOR 8, DWARAKA PHASE 1, NEW DELHI 110077, REP BY ITS EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

IN W.P. NO.1795/2021 BETWEEN MR HARSHA BOBADE S/O PRAKASH ROA AGED ABOUT 22 YEARS REG NO. 17M5881 R/O NO. D-003 GOPALAN ATLANTIS APARTMENTS OPPO. ECC ROAD WHITEFILED, BENGALURU-560066 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK JAYANAGAR BENGALURU-560041 REP BY ITS VICE-CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK JAYANAGAR BENGALURU-560070

3. NATIONAL MEDICAL COMMISSION POCKET-14 SECTOR-8 DWARAKA PHASE 1 NEW DELHI-110077 REPRESENTED BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-J AND ETC.

IN W.P.NO.1797/2021 BETWEEN NINI S D/O S SUNDARAM AGED ABOUT 23 YEARS, R/AT NO.48/A NEAR SAGAR HOSPITAL TILAK NAGAR MAIN ROAD, JAYANAGAR T BLOCK BANGALORE-560041 ...PETITIONER (BY SMT SUMANA M BALIGA, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK JAYANAGAR BENGALURU KARNATAKA-560041 REP BY REGISTRAR EVALUATION

2. NATIONAL MEDICAL COUNCIL POCKET NO.14 SECTOR 8 DWARAKA NEW DELHI-110077 REP BY ITS SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 NOTICE NOT ORDERED IN R/O R3) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE EVALUATION II AND III IN COMMUNITY MEDICINE I PRODUCED AS ANNEUXRE-D QUASHING THE EVALUATION I AND III IN COMMUNITY MEDICINE II PRODUCED AS ANNEXURE-D1 AND

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EVALUATION I IN OTORHINOLARYNGOLOGY IN THE PHASE III PART I MBBS EXAMINATIN CONDUCTED BY THE RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES HELD IN THE MONTH OF NOVEMBER 2020 AS ARBITRARY ILLEGAL AND DISCRIMINATORY AND ETC.

IN W.P.NO.1798/2021 BETWEEN MS. JULIA ELIZABETH THOMAS D/O. JOGY THOMAS, AGED ABOUT 21 YEARS, REG. NO. 17M3612, R/O. NO. 82, SOMANNA LAYOUT, BHARAT NAGAR, M.S. PALYA, VIDYARANYAPURA P.O., BENGALURU-560 097.

...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

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

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BENGALURU-560 070.

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110 077, REPRESENTED BY ITS EXECUTIVE SECRETARY.

...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 NOTICE NOT ORDERED IN R/O R3)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-J

AND ETC.

IN W.P.NO.1799/2021 BETWEEN MS ANANYA S D/O DR SIDDARAMAIAH, AGED ABOUT 25 YEARS, REG NO.14M9160 R/O NO.21, GANAPA, 1ST A CROSS, J P NAGAR, 2ND PHASE, MARANAHALLI, BENGALURU-560078 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560041 REP BY ITS VICE-CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BENGALURU-560070

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REPRESENTED BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 NOTICE NOT ORDERED IN R/O R3)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

IN W.P.NO.1800/2021 BETWEEN MR ARAVIND V S S/O DR V P SAJEEV AGED ABOUT 24 YEARS REG NO.14M7525 R/O VATTAMTHALAYIL HOUSE NEAR OLD M.C. ROAD, MUVATT UPUZHA ERNAKULAM DISTRICT 686661.

...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560041 REP BY ITS VICE-CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BENGALURU-560070

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REPRESENTED BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2

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NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-J AND ETC.

IN W.P.NO.1810/2021 BETWEEN TWISHA AMARNATH SHETTY D/O. AMARNATH SHETTY, AGED ABOUT 26 YEARS, R/AT G02, SAI PALACE, BALLAL BAGH, MANGALORE-575 003.

...PETITIONER (BY SRI HAREESH BHANDARY T, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK, JAYANAGARA, BANGALORE-560 041, REPRESENTED BY ITS REGISTRAR.
2. THE REGISTRAR OF EVALUATION RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH BLOCK, JAYANAGARA, BENGALURU-560 041.
3. A. J. INSTITUTE OF MEDICAL SCIENCES A UNIT OF LAXMI MEMORIAL EDUCATION TRUST (R) MANGALORE-575 004, REPRESENTED BY ITS PRINCIPAL ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-1 AND 2 TO REFER THE MICROBIOLOGY PAPER OF THE PETITIONER BEARING THE REGISTER NO.12M7648 TO A FIFTH INDEPENDENT EVALUATOR AND ETC.

IN W.P.NO.1813/2021 BETWEEN

1. NITESH KUMAR LOONAVAT SON OF KIRAN KUMAR S AGED ABOUT 22 YEARS, 3RD YEAR MEDICAL STUDENT OF RAJARAJESHWARI MEDICAL COLLEGE AND HOSPITAL, MYSORE ROAD BANGALORE-560072
2. ESHAN UPADHYAY AGED ABOUT 23 YEARS, S/O S N UPADHAYAY 2ND YEAR MEDICAL STUDENT OF RAJARAJESHWARI MEDICAL COLLEGE AND HOSPITAL MYSORE ROAD BANGALORE-560072
3. SUSHMITA S SHINDE D/O RENUKA AGED ABOUT 22 YEARS, 4TH YEAR MEDICAL STUDENT KARNATAKA INSTITUTE OF MEDICAL SCINECES PB ROAD VIDYANAGAR HUBLI-580022
4. AVINASH KUMAR SON OF ASHOK KUMAR AGED ABOUT 23 YEARS, 2ND YEAR MEDICAL STUDENT OF AKASH INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE

BANGALORE RURAL

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DEVANAHALLI BENGALURU-562 110

5. KZSHALAY MANDAL S/O JAYANTANATH MANDAL AGED ABOUT 23 YEARS, 3RD YEAR MEDICAL STUDENT OF SAPTHAGIRI INSTITUTE OF MEDICAL SCIENCES BENGALURU NO.15 HESARAGHATTA MAIN ROAD, NAVY LAYOUT CHIKKASANDRA CHIKKABANAVARA BENGALURU-560090 ...PETITIONERS (BY SRI D R RAVISHANKAR, ADVOCATE) AND

1. REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK JAYANAGAR BANGALORE-41

2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK JAYANAGAR BANGALORE-41 REPRESENTED BY ITS VICE-CHANCELLOR ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PRESENT SYSTEM OF EVALUATION BY FOUR EVALUATORS AND TAKING AN AVERAGE OF THE FOUR EVALUATORS IN RELATION TO UNDER GRADUATE MEDICAL COURSE IS DISCRIMINATORY AS AGAINST THE EVALUATION UNDERTAKEN IN RESPECT OF POST GRADUATE MEDICAL COURSE AND ETC.

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IN W.P.NO.1816/2021 BETWEEN MISS RACHITHA S KUMAR D/O MR.M.SAMPATH KUMAR AGED ABOUT 23 YEARS, R/AT 20, ANJANADRI NILAYA KAVERI LAYOUT, VAJRALLI NELAMANGALA-562 123.

...PETITIONER (BY SRI NISHANTH A V, ADVOCATE) AND

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

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560 070.

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REP BY THE EXECUTIVE SECRETARY.

...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF

MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-J AND ETC.

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IN W.P.NO.1819/2021 BETWEEN SAISOHAN PANDHARPURKAR S/O SANJEEV KUMAR AGED ABOUT 24 YEARS, PERMANENT RESIDENT OF PE 307, MAGAN SILVER HILL APARTMENTS IST MAIN, NO.80 CHIKKASANDRA BANGALORE-560061 ...PETITIONER (BY SMT SUMANA M BALIGA, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR BENGALURU KARNATAKA-560041 REP BY REGISTRAR EVALUATION

2. NATIONAL MEDICAL COUNCIL POCKET NO.14 SECTOR 8, DWARAKA NEW DELHI-110077 REP BY ITS SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 NOTICE NOT ORDERED IN R/O R3) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE EVALUATION II IN PAEDIATRICS PRODUCED AS ANNEXURE-D, QUASHING THE EVALUATION IV IN GENERAL SURGEY-II PRODUCED AS ANNEXURE-D2, QUASHING THE EVALUATION II IN OBG-I PRODUCED AS ANNEXURE-D4, QUASHING THE EVALUATION IV IN OBG-II PRODUCED AS ANNEXURE-D5, IN THE PHASE III - PART I MBBS EXAMINATION CONDUCTED BY THE RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES HELD ON OCTOBER 2020 AS ARBITRARY, ILLEGAL AND DISCRIMINATORY AND ETC.

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IN W.P.NO.1820/2021 BETWEEN MR BEVIN BIJU THOMAS S/O BIJU THOMAS AGED ABOUT 24 YEARS, REG.NO.15M7681, R/O FLAT NO.605, GLOBAL COURT APARTMENTS, KUNITKANA, MANGALORE-575 004.

...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

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

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560 070.

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REP BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 NOTICE NOT ORDERED IN R/O R3) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020

PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-J AND ETC.

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IN W.P.NO.1821/2021 BETWEEN MS. NAMITA KULKARNI D/O RAGHAVENDRA KULKARNI, AGED ABOUT 21 YEARS, REG.NO.16M5299, R/O FLAT 404, AKSHAY APARTMENTS, NEAR DEREBAIL CHURCH, BEJAI-KAVOOR ROAD, MANGALORE-575004.

...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

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

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560 070.

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REP BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 NOTICE NOT ORDERED IN R/O R3) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

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IN W.P.NO.1822/2021 BETWEEN MS MAZNA D/O AKBAR ALI AGED ABOUT 24 YEARS REG NO.14M6824, R/O MAZNA MANZIL S.S.ROAD, MULLOOR, POST UCHILA, UDUPI DISTRICT, UDUPI-576 101.

...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

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

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560 070.

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REP BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 NOTICE NOT ORDERED IN R/O R3) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020

PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-J ND ETC.

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IN W.P.NO.1823/2021 BETWEEN MR JESVIN JOJI S/O V J JOJI, AGED ABOUT 24 YEARS, REG NO.14M6554, R/O 145/5, THIRIPURAMBHA APARTMENTS, 13TH MAIN, 6TH CROSS, AZB LAYOUT CHIKKABANAVARA, BENGALURU-560090.

...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

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

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560 070.

3. NATIONAL MEDICAL COMMISSION POCKET-14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REP BY THE EXECUTIVE SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 NOTICE NOT ORDERED IN R/O R3) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-J ND ETC.

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IN W.P.NO.1827/2021 BETWEEN SRI VIGNESH R V S/O RENGAN P AGED ABOUT 28 YEARS C/O VYDEHI INSTITUTE OF DENTAL SCIENCES AND RESEARCH CENTRE EPIP AREA, WHITEFIELD BENGALURU-560066 ...PETITIONER (BY SRI NARAYAN KUMAR V, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE FOR KARNATAKA REPRESENTED BY ITS VICE CHANCELLOR 4TH T BLOCK JAYANAGAR BENGALURU-560041.

2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE FOR KARNATAKA, REPRESENTED BY ITS REGISTRAR (EVALUATION) 4TH BLOCK, JAYANAGAR, BENGALURU 560040 ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 NOTICE NOT ORDERED IN R/O R3) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-1 AND 2 TO CONDUCT FRESH EVALUATION IN RESPECT OF THE ANSWER SCRIPTS OF ORAL MEDICINE AND RADIOLOGY AND PAEDIATRIC AND PREVENTIVE DENTISTRY OF THE FINAL YEAR BDS COURSES EXAMINATION OF OCTOBER MONTH 2020, BY SUBJECTING THE EVALUATION OF ANSWER SCRIPTS BY THE NOTIFIED EVALUATORS AT THE UNIVERSITY PREMISES UNDER THE DIRECT SUPERVISION OF UNIVERSITY AND ETC.

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IN W.P.NO.1828/2021 BETWEEN MS PAVITHRA P V D/O PRADEEPAN P.V.

AGED ABOUT 23 YEARS, REG.NO.16M5392, R/O 'SRI RAMA NILAYA', OPPO: ST.ANN'S HIGH SCHOOL NEAR AJ HOSPITAL KUNTIKANA, MANGALORE-575 004.

...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560 041 REP BY ITS VICE CHANCELLOR
2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560 070.
3. NATIONAL MEDICAL COMMISSION POCKET -14, SECTOR-8, DWARAKA PHASE 1, NEW DELHI-110077 REP BY THE EXECUTIVE SECRETARY.

...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-J ND ETC.

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IN W.P.NO.1837/2021 BETWEEN SRI K C SUMANTH S/O SRI K M CHANNA RAMESWARA, AGED ABOUT 23 YEARS, R/AT DOOR NO.52, W NO.20, NIRMALA, SIDDHARTHA COLONY 1ST MAIN, GANDHI NAGAR, BELLARY-583103, KARNATAKA ...PETITIONER (BY SRI SRINIVASA K, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE 4TH T BLOCK, JAYANAGAR, BANGALORE-560041 REP BY ITS VICE CHANCELLOR
2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, 4TH T BLOCK, JAYANAGAR, BANGALORE-560041
3. THE MEDICAL COUNCIL OF INDIA POCKET -14, SECTOR-8, DWARAKA PHASE-1, NEW DELHI-110077 REP BY THE CHAIRMAN ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION DATED 13.10.2020 ISSUED BY THE R-2 VIDE ANNEXURE-F TO THE WRIT PETITIONER, AS ARBITRARY, ILLEGAL AND DISCRIMINATORY AND ETC.

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IN W.P.NO.1846/2021 BETWEEN MEGHANA M D/O M MAHADEVIAIAH AGED ABOUT 23 YEARS, R/AT NO.596, SAPTHAGIRI SANNIDHI FLAT NO.104 IDEAL HOMES TOWNSHIP 37TH CROSS 25TH MAIN R R NAGAR BANGALORE-560098 ...PETITIONER (BY SMT SUMANA M BALIGA, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR BENGALURU KARNATAKA-560041 REP BY REGISTRAR EVALUATION

2. NATIONAL MEDICAL COUNCIL POCKET NO.14 SECTOR 8 DWARAKA NEW DELHI-110077 REP BY ITS SECRETARY ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ NOTICE NOT ORDERED IN R/O R₂) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE EVALUATION I AND IV IN COMMUNITY MEDICINE I PRODUCED AS ANNEXURE-D QUASHING THE EVALUATION IV IN COMMUNITY MEDICINE II PRODUCED AS ANNEXURE-D₁ IN THE EVALUATION II IN OPHTHALMOLOGY PRODUCED AS ANNEXURE- D₂ IN THE PHASE III PART I MBBS EXAMINATION CONDUCTED BY THE RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES HELD IN THE MONTH OF NOVEMBER 2020 IN THE PHASE-III - PART I MBBS EXAMINATION CONDUCTED BY THE RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES HELD ON OCTOBER 2020 AS ARBITRARY, ILLEGAL AND DISCRIMINATORY AND ETC.

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IN W.P.NO.1847/2021 BETWEEN MR ANURAAG BOMMAREDDY S/O. DR. PRABHAVATHI, AGED ABOUT 26 YEARS, REG NO. 12M1025, R/O. NO. 358/C-30, BHOMIKANAGAR, DAVANAGERE 577005 ...PETITIONER (BY SRI ABHISHEK MALIPATIL, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560041 REP BY ITS VICE CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BANGALORE-560041

3. NATIONAL MEDICAL COMMISSION POCKET -14, SECTOR-8, DWARAKA PHASE-1, NEW DELHI-110077 REP BY THE EXECUTIVE SECRETARY.

...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ NOTICE NOT ORDERED IN R/O R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-N AND ETC.

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IN W.P.NO.1945/2021 BETWEEN ARFAIN KHANUM D/O LATE SAFEER AHMED KHAN AGED ABOUT 23 YEARS R/O NO.20-WARD, MUSLIM BLOCK SKS FARM, TIPPU MOHALLA, K R NAGARA MYSORE-571602 ...PETITIONER (BY SRI SUMANTH L BHARADWAJ, ADVOCATE) AND

1. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR BANGALORE-560041

2. THE PRINCIPAL / DEAN FAROOQIA DENTAL COLLEGE AND HOSPITAL FAROOQIA EDUCATIONAL COMPLEX UMER KHAYAM ROAD, EIDGAH MYSORE-570021 ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ NOTICE NOT ORDERED IN R/O R₂) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO REEVALUATE THE ANSWER SCRIPTS SUBMITTED BY THE PETITIONER WITH RESPECT TO SUBJECT I.E. GENERAL SURGERY (PAPER CODE NO.CO₂) AND ORAL PATHOLOGY AND MICROBIOLOGY (PAPER CODE NO.CO₃) WITH RESPECT TO 3 RD.B.D.S (RS₃) EXAMINATION THAT CONDUCTED BY THE RESPONDENTS IN THE MONTH OF NOVEMBER 2020 AND ETC.

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IN W.P.NO.2011/2021 BETWEEN SRI ALFIN RAJ S/O S RAJAN, AGED ABOUT 22 YEARS, FLAT NO 522, C BLOCK, MATHA RESIDENCY, HALEYANGADI, MANGALORE 574146 ...PETITIONER (BY SRI YATHISH J NADIGA, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK EAST, PATTABHIRAMA NAGAR, JAYANAGAR, BANGALORE 560041 (REPRESENTED BY ITS VICE CHANCELLOR)

2. THE REGISTRAR (EVALUATION) 4TH T BLOCK EAST, PATTABHIRAMA NAGAR, JAYANAGAR, BANGALORE 560041

3. SRINIVAS INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE MUKKA SURATHKAL, MANGALORE DAKSHINA KANNADA DISTRICT 575010 ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ NOTICE NOT ORDERED IN R/O R₂) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO CAUSE A RE-EVALUATION OF THE THEORY PAPER 1 OF PATHOLOGY PAPER BEARING CODE B₀₁ AND BEARING QUESTION PAPER CODE 1081/PATHOLOGY-TPI, THEORY PAPER 2 OF MICROBIOLOGY PAPER BEARING CODE B₀₂ AND BEARING QUESTION PAPER CODE 1084/MICROBIOLOGY-

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TPS AND THEORY PAPER I OF PHARMACOLOGY PAPER BEARING CODE BO₃ AND BEARING QUESTION PAPER CODE 1085/PHARMACOLOGY-TPI TAKEN BY THE PETITIONER (REGISTER NUMBER 17M2857) OF SECOND YEAR MBBS SUPPLEMENTARY EXAMINATION IN NOVEMBER 2020 BY 5TH EXAMINER AND COMPUTE THE FINAL RESULTS BASED ON THE AVERAGE OF 4 BEST SCORES AWARDED TO THE PETITIONER AND ETC.

IN W.P. NO.2124/2021 BETWEEN MR MOHAMMED SHAHID PASHA S/O MOHAMMED INAYATH PASHA AGED ABOUT 25 YEARS 2ND YEAR MEDICAL STUDENT AL-AMEEN MEDICAL COLLEGE AND HOSPITAL ATHANI ROAD, VIJAYAPURA-586108 ...PETITIONER (BY SRI ARUN ASHOK GADAG, ADVOCATE) AND

1. REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK JAYANAGAR BENGALURU-560041

2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK JAYANAGAR BENGALURU-560041 REPRESENTED BY ITS VICE-CHANCELLOR ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PRESENT SYSTEM OF EVALUATION BY FOUR EVALUATORS AND TAKING AN AVERAGE OUT OF THE FOUR EVALUATORS

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CONCERNING UNDERGRADUATE MEDICAL COURSE IS DISCRIMINATORY AND ETC.

IN W.P.NO.2307 /2021 BETWEEN IMAYABARATHI M S/O MURUGESAN A AGED ABOUT 22 YEARS, REGISTER NO.16M6373 STUDYING AT AKASH INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE BATCH 2016-17, 3RD YEAR STUDENT, PRASANNAHALLI MAIN ROAD, NEAR KEMPEGOWDA INTERNATIONAL AIRPORT, DEVANAHALLI BANGALORE-562 110 AND ALSO PERMANENT ADDRESS R/O NO.7/11, EAST STREET, KOLAKKATTU PUDHUR POST, P.VELUR TALUK NAMAKKAL DISTRICT-637 208.

...PETITIONER (BY SRI SHIVARUDRAPPA SHETKAR, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560041 REP BY ITS VICE CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BANGALORE-560070

3. NATIONAL MEDICAL COMMISSION POCKET -14, SECTOR-8, DWARAKA PHASE-1,

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NEW DELHI-110077 REP BY THE EXECUTIVE SECRETARY.

...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-K ND ETC.

IN W.P.NO.2311 /2021 BETWEEN AKULA HARINI D/O SATYANARAYANA AGED ABOUT 21 YEARS REGISTER NO. 16M6366 STUDYING AT AKASH INSTITUTE OF MEDICAL SCEINCES AND RESEARCH CENTER BATCH 2016-17,3RD YEAR STUDENT PRASANNAHALLI MAIN ROAD, NEAR KEMPEGOWDA INTERNATIONAL AIRPORT, DEVANAHALLI BANGALORE 562110 AND ALSO PERMANENT ADDRESS R/O NO.108/2/85 SRI SAI ENCLAVE MANASANI COLONY BODUPPAL TALUK RAMARADDI DISTRICT 500092 ...PETITIONER (BY SRI SHIVARUDRAPPA SHETKAR, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560041 REP BY ITS VICE CHANCELLOR

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2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BANGALORE-560070

3. NATIONAL MEDICAL COMMISSION POCKET -14, SECTOR-8, DWARAKA PHASE-1, NEW DELHI-110077 REP BY THE EXECUTIVE SECRETARY.

...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION NOTIFYING THE AMENDMENT TO ORDINANCE GOVERNING VALUATION OF ANSWER SCRIPTS OF MBBS COURSE (RS-3 SCHEME) DTD 13.10.2020 PASSED BY THE R-2 UNIVERSITY PRODUCED AT ANNEXURE-K ND ETC.

IN W.P.NO.292 /2021 BETWEEN

1. SRI YASHWANTH M S/O S. MANJUNATH AGED ABOUT 24 YEARS, MEDICAL STUDENT OF SAPTHAGIRI INSTITUTE OF MEDICAL SCIENCES, BENGALURU, RESIDING AT NO. MF 53/8, MIG BLOCK, 15TH MAIN, 2ND CROSS, NANDINI LAYOUT, BENGALURU-560096.

2. SRI. MOHAMED FARAAZ S/O FAZLUR RAHMAN, AGED ABOUT 24 YEARS, MEDICAL STUDENT OF SAPTHAGIRI INSTITUTE OF MEDICAL SCIENCES, BENGALURU, R/A NO. F-1303, BRIGADE GATEWAY,

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MALLESHWARAM WEST, BENGALURU-560055.

3. SRI. DHANUSH K.R.

S/O RAMESH K.N.

AGED ABOUT 23 YEARS, MEDICAL STUDENT, R/A SOMWARPET, KODAGU DISTRICT-571236.

4. MISS RANEBENNUR SHEEBANAZ D/O RANEBENNUR MOHAMMED RAFIQ, AGED ABOUT 24 YEARS, MEDICAL STUDENT OF KHAJA BANDANAWAZ MEDICAL COLLEGE, R/A NO.2/208, UPSTAIRS, 2ND ROAD, OPP. ESEVA ANANTHAPUR, ANDHRAPRADESH-515001.

5. MISS NUSRAT SIDDIQA D/O MOHAMMED AKBER, AGED ABOUT 23 YEARS, RESIDING AT PLOT NO. 69, BEHIND KMF MILK DAIRY, NEAR AMEENA MASJID, BAGDAD COLONY, GULBARGA-585101.

6. MISS JAYASHREE D/O SHIVAMURTHY, AGED ABOUT 24 YEARS, MEDICAL STUDENT OF DR. AMBEDKAR MEDICAL COLLEGE AND HOSPITAL, K.G. HALLI, 9TH CROSS, NEC COLONY, MALAVALLI TOWN, MANDYA-571401.

7. SRI. MAHESH SHIVAPUJI S/O RAVICHANDRA SHIVAPUJI, AGED ABOUT 24 YEARS, BASAVANILAYA NEAR,

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BASAVANNA TEMPLE MAIN ROAD, CHITAGUPPA-585412.

8. SIDDHARTH ANGOM S/O SUKHDEV ANGOM, AGED ABOUT 24 YEARS, MEDICAL STUDENT OF SAPTHAGIRI INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTER, NO. 15, CHIKKASANDRA, HESARAGHATTA MAIN ROAD, BENGALURU-560090.

9. MISS BHAVANI KHANDRE D/O DATTUKUMAR KHANDRE, AGED ABOUT 24 YEARS, RESIDENT OF D.K. COMPLEX, KASHAPPA KHANDRE, PETROLEUMS STATION ROAD, BHALKI, BIDAR-585401.

10 . SRI. SAJITH S.

S/O SYLUS V.

AGED ABOUT 24 YEARS, MEDICAL STUDENT OF RAJARAJESHWARI MEDICAL COLLEGE AND HOSPITAL, KENGERI BENGALURU R/A. MADAVILA, KEEZBATHOTTAM, PARASSALLE, P.O. TRIVENDRUM, KERALA-695502.

11 . SRI. GAUTHAM N.

S/O NATARAJ M.

AGED ABOUT 24 YEARS, MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES, MANGALURU-575004.

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12 . SRI. VISHNU PREMRAJ S/O PREMRAJ, AGED ABOUT 24 YEARS, MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES, MANGALURU-575004.

13 . MISS MEENU D/O P. RADHAKRISHNAN, AGED ABOUT 24 YEARS, MEDICAL STUDENT, RESIDING AT B-202, B BLOCK, 2ND FLOOR, INSIGHT NANDANA, SRI VENKATESHPURA LAYOUT, SAMPIGEHALI, BENGALURU-560064.

14 . MISS MAYA KRISHNAKUMAR D/O KRISHNAKUMAR MADAVAN, AGED ABOUT 24 YEARS, MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES, MANGALURU, R/A. 1506 PADIL, GALLERY APARTMENTS, MANGALORE-575007.

15 . MISS. G.R. DHAMINI S/O SRI. G.N. RAJASHEKARA NAIDU, AGED ABOUT 24 YEARS, MEDICAL STUDENT OF RAJARAJESHWARI MEDICAL COLLEGE AND HOSPITAL BENGALURU, RESIDING AT NO. 210A, ANCHITA AITHAL APARTMENTS, OPP.TO JANAKSHI SCHOOL, RAJA RAJESHWARINAGAR, BENGALURU-560098.

16 . MISS YELURU JYOTHSNA D/O MADHUSUDHANA REDDY, AGED ABOUT 24 YEARS, MEDICAL STUDENT OF

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VYDEHI INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE, BENGALURU, RESIDING AT NO. 305, TARQ-2, SRINIVASA VILLAGE, HYDERABAD-500045.

17 . SRI. ANISH SHRIKANT VAIDYA S/O SHRIKANT AMBADARRAO VAIDYA, AGED ABOUT 24 YEARS, R/A. DR. MAHURKAR, VENKATADRI BUILDINGS, VASANTHANAGAR, NEAR SUNRISE HOSPITAL, MSK MILL ROAD, KALBURGI-585102.

18 . MISS. ANJITHA VIJAYKUMAR D/O K. VIJAYAKUMAR, AGED ABOUT 24 YEARS, MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES, MANGALURU, RESIDING AT KRISHNA HARE, KOCHICKAL, THATTARAMBALAM P.O. MAVELIKARE, ALAPPUZHA, KERALA-690103.

19 . SRI. DHANUSH SHETTY S/O SANJEEV SHETTY, AGED ABOUT 26 YEARS, MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES, MANGALURU, RESIDING AT NO. 187, 2ND AVENUE 3RD MAIN, HSR LAYOUT, 5TH SECTOR, KORAMANGALA 1ST BLOCK, BENGALURU-560034.

20 . MISS. ABIR MANDAL S/O ARUN MANDAL, AGED ABOUT 24 YEARS,

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MEDICAL STUDENT, DR. AMBEDKAR MEDICAL COLLEGE, GANDHI NAGAR, KADUGONDANAHALLI, BENGALURU-560045.

21 . SRI. AKSHAY N. REDDY S/O Y. NAGARAJ AGED ABOUT 24 YEARS, MEDICAL STUDENT OF RAJA RAJESHWARI MEDICAL COLLEGE AND HOSPITAL, KENGERI, BENGALURU, RESIDING AT NO. 1085, 1ST FLOOR, 8TH CROSS, 16TH MAIN, BTM LAYOUT, 1ST STAGE, 1ST PHASE, BENGALURU-560029.

...PETITIONERS (BY SRI D R RAVISHANKAR, ADVOCATE) AND

1. REGISTRAR (EVALUATION), RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, 4TH BLOCK, JAYANAGAR, BANGALORE-560041.

2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK, JAYANAGAR, BANGALORE-560041, REPRESENTED BY ITS VICE-CHANCELLOR.

3. THE MEDICAL COUNCIL OF INDIA POCKET 14, SECTOR-8, NEW DELHI-110077, REPRESENTED BY ITS SECRETARY.

...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 SRI N KHETTY, ADVOCATE FOR R3)

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THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PRESENT SYSTEM OF EVALUATION BY FOUR EVALUATORS AND TAKING AN AVERAGE OF THE FOUR EVALUATORS IN RELATION TO UNDER GRADUATE MEDICAL COURSE IS DISCRIMINATORY AS AGAINST THE EVALUATION UNDERTAKEN IN RESPECT OF POST GRADUATE MEDICAL COURSE AND ETC.

IN W.P.NO.335/2021 BETWEEN SRI KIRAN S S/O SRINIVAS, AGED ABOUT 24 YEARS, R/AT AMR-10, 3RD CROSS, NANDINI LAYOUT, BANGALORE 560096 ...PETITIONER (BY SRI SRINIVASA K, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE 4TH T BLOCK, JAYANAGAR, BANGALORE 560041, REP. BY ITS VICE CHANCELLOR

2. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, 4TH T BLOCK, JAYANAGR, BANGALORE 560041

3. THE MEDICAL COUNCIL OF INDIA POCKET-14 SECTOR 8, DWARAKA PHASE 1, NEW DELHI 110077.

REP. BY THE CHAIRMAN ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ SRI N KHETTY, ADVOCATE FOR R₃)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION DATED 13.10.2020 ISSUED BY THE R-2 VIDE ANNEXURE-F TO THE WRIT PETITION AS ARBITRARY, ILLEGAL AND DISCRIMINATORY AND ETC.

IN W.P.NO.807/2021 BETWEEN

1. MADAN K S S/O D.K. SWAMY GOWDA, AGED ABOUT 27 YEARS, MEDICAL STUDENT OF SAPTHAGIRI INSTITUTE OF MEDICAL SCIENCES, BENGALURU, NO. 15, HESARAGHATTA MAIN ROAD, NAVY LAYOUT, CHIKKASANDRA, CHIKKABANAVARA, BENGALURU-560090.

2. H.S. VARUN S/O SHREEHARSHA, AGED ABOUT 23 YEARS, MEDICAL STUDENT OF SAPTHAGIRI INSTITUTE OF MEDICAL SCIENCES, BENGALURU, NO. 15, HESARAGHATTA MAIN ROAD, NAVY LAYOUT, CHIKKASANDRA, CHIKKABANAVARA, BENGALURU-560090.

3. MISS. ISHA SHARMA D/O P.K. SHARMA AGED ABOUT 24 YEARS, MEDICAL STUDENT OF RAJA RAJESHWARI MEDICAL COLLEGE AND HOSPITAL, MYSORE ROAD, BANGALORE-560074.

...PETITIONERS (BY SRI D R RAVISHANKAR, ADVOCATE)

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AND

1. REGISTRAR [EVALUATION] RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH BLOCK, JAYANAGAR, BANGALORE-560041.

2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK, JAYANAGAR, BANGALORE-560041, REPRESENTED BY ITS VICE-CHANCELLOR.

3. THE MEDICAL COUNCIL OF INDIA POCKET 14, SECTOR-8, NEW DELHI-110077, REPRESENTED BY ITS SECRETARY.

...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ SRI N KHETTY, ADVOCATE FOR R₃) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF

INDIA PRAYING TO DECLARE THAT THE PRESENT SYSTEM OF EVALUATION BY FOUR EVALUATORS AND TAKING AN AVERAGE OF THE FOUR EVALUATORS IN RELATION TO UNDER GRADUATE MEDICAL COURSE IS DISCRIMINATORY AS AGAINST THE EVALUATION UNDERTAKEN IN RESPECT OF POST GRADUATE MEDICAL COURSE AND ETC.

IN W.P.NO.808/2021 BETWEEN SRI. RISHITHA SHIVKUMAR AGED ABOUT 21 YEARS D/O B S SHIVKUMARAIAH 2ND YEAR MBBS STUDENT R/AT PRESTIGE ST. JOHN WOOD APARTMENT E-501, S G PALYA BENGALURU-560029 ...PETITIONER

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(BY SRI V LAKSHMINARAYANA, SENIOR COUNSEL FOR SMT ANUSHA L, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK, JAYANAGAR BANGALORE-560041 REPRESENTED BY ITS REGISTRAR

2. THE REGISTRAR OF EVALUATION RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR BANGALORE-560 041 ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R₁ & R₂ SRI N KHETTY, ADVOCATE FOR R₃) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO CONSIDER THE CASE OF THE PETITIONER FOR REVALUATION FOR PAPER (B03) MICROBIOLOGY AS THE DIFFERENCE OF EVALUATION IS MORE THAN 15 PERCENT BASED ON JUDGMENT OF THIS HONBLE COURT IN DR MENAKA MOHAN AND OTHERS V. THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES AND OTHERS, IN W.P. NO.48194-48198/2018, DATED 21.12.2018 AND NEELESH MEHETA VS RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES AND OTHERS, WRIT PETITION NO.31335/2019 DISPOSED OFF ON 10.08.2020 AND CONNECTED AND DR. GOLAP HUSSAIN AND OTHERS AND WHICH HAS BEEN RECORDED BY THIS HONBLE COURT IN THE CASE OF W.P. NO.10365/2020, DISPOSED OFF ON 11.10.2020 (ANNEXURE-D) EXTEND THE RELIEF OF

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REVALUATION TO THE PETITIONER IN THE ABOVE PAPERS BASED ON THE BINDING JUDGMENT OF THIS HONBLE COURT AND ETC.

IN W.P.NO.916/2021 BETWEEN ANTRIKSHA TRIPATHI S/O DR TRILOKITRIPATHI, AGED ABOUT 33 YEARS, R/A 138 NEAR WATER TANK, SATTUR, DHARWAD 580009 ...PETITIONER (BY SRI SAGAR. G NAHAR, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU 560041, REP BY ITS VICE CHANCELLOR

2. THE REGISTRAR - EVALUATION RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU 560041 ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS HEREIN TO REFER THE ANSWER SCRIPT OF THE PETITIONER AT ANNEXURE-C IN MICROBIOLOGY THEORY PAPER-2 HAVING Q.P. CODE NO.1084/MICROBIOLOGY-TP2 FOR VALUATION BY A 5TH EXAMINER APPOINTED FROM THE APPROVED PANEL IN COMPLIANCE WITH THE ORDINANCE

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GOVERNING MULTIPLE VALUATION DTD 15.6.2012 PRODUCED AT ANNEXURE-D AND ETC.

IN W.P.NO.920/2021 BETWEEN ALVA DRITHI DEVADAS D/O SRI DEVADASA ALVA, AGED ABOUT 26 YEARS, R/AT. NO. 507, KRISHE HERITAGE, OPP. Td POST OFFICE NEAR KARNATAKA BANK, SURATHKAL, MANGALORE DAKSHINA KANNADA DIST-575014.

...PETITIONER (BY SRI HARISH H V, ADVOCATE) AND

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR, BENGALURU-560041 REP. BY ITS VICE-CHANCELLOR

2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE THE REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, 4TH T BLOCK, JAYANAGAR, BENGALURU-560041

3. MEDICAL COUNCIL OF INDIA POKET-14, SECTOR-8, DWARAKA PHASE1, NEW DELHI-110077, REP. BY THE CHAIRMAN BOARD OF GOVERNORS, MEDICAL COUNCIL OF INDIA.

4. SRINIVAS INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE

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MUKKA, SURATHKAL, MANGALORE, D.K. DIST-575014. REP BY ITS PRINCIPAL.

...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2 NOTICE TO R3 & R4 IS DISPENSED WITH VIDE ORDER DATED 18.01.2021) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-1 AND 2 TO CONDUCT FRESH EVALUATION /5TH EVALUATION OF THE SUBJECTS I PAPER 1093 (QP CODE) GENERAL MEDICINE-I (MBBS-4TH YEAR) II PAPER 1094 (QP CODE) GENERAL MEDICINE-I (MBBS-4TH YEAR) III PAPER 1095 (QP CODE) GENERAL SURGERY-I (MBBS-4TH YEAR) IV PAPER 1096 (QP CODE) GENERAL SURGERY-I/ORTHOPAEDICS (MBBS-4TH YEAR) AND V PAPER 1097 (QP CODE) GENERAL SURGERY-II (MBBS-4TH YEAR) OF THE FAILED

SUBJECTS OF THE PHASE IV MBBS EAMINATIONS UNDERTAKEN BY THE PETITIONER IN TERMS OF THE REGULATIONS NOTIFIED BY THE MEDICAL COUNCIL OF INDIA AND TO ANNOUNCE THE RESULTS AFRESH.

IN W.P.NO.2313/2021 BETWEEN

1. NILANJANA R NATH D/O RAVEENDRANATH AGED ABOUT 23 YEARS 3RD YEAR MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES MANGALORE

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2. ARJUN KANNAN S/O KUNHIKANNAN AGED ABOUT 23 YEARS 3RD YEAR MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES MANGALORE

3. ANTONY YOHANNAN NIMESH S/O NIMESH ANTONY MALIYAKAL AGED ABOUT 23 YEARS 3RD YEAR MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES MANGALORE

4. JAGRUTI L HEBBAR D/O LAKSHMEESH HEBBAR AGED ABOUT 23 YEARS 3RD YEAR MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES MANGALORE

5. LAHARI SHETTY D/O SUDHARSHAN SHETTY AGED ABOUT 23 YEARS 3RD YEAR MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES MANGALORE

6. AKSHAY J SON OF JAGANNATHAN AGED ABOUT 23 YEARS 3RD YEAR MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES MANGALORE

7. RAJKAMAL MM SON OF MADHESHWARAN AGED ABOUT 23 YEARS 3RD YEAR MEDICAL STUDENT OF AKASH INSTITUTE OF MEDICAL SCIENCES RESEARCH CENTRE DEVANAHALLI, BENGALURU RURAL

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8. ASIF JAWED SON OF JAWED ALAM AGED ABOUT 23 YEARS 2ND YEAR MEDICAL STUDENT OF AKASH INSTITUTE OF MEDICAL SCIENCES RESEARCH CENTRE DEVANAHALLI BENGALURU RURAL ...PETITIONERS (BY SRI SIDDHARTH UPALI, ADVOCATE) AND

1. REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK, JAYANAGAR BANGALORE-560041

2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK JAYANAGAR BANGALORE-560041 REPRESENTED BY ITS VICE-CHANCELLOR ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PRESENT SYSTEM OF

EVALUATION BY FOUR EVALUATORS AND TAKING AN AVERAGE OF THE FOUR EVALUATORS IN RELATION TO UNDER GRADUATE MEDICAL COURSE IS DISCRIMINATORY AS AGAINST THE EVALUATION UNDERTAKEN IN RESPECT OF POST GRADUATE MEDICAL COURSE AND ETC.

IN W.P.NO.2325/2021 BETWEEN

1. THEERTH JAYARAJ D/O JAYARAJ K K AGED ABOUT 23 YEARS 1ST YEAR MEDICAL STUDENT

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OF AJ INSTITUTE OF MEDICAL SCIENCES MANGALORE

2. KEVIN VINCENT S/O VINCENT T L AGED ABOUT 23 YEARS 3RD YEAR MEDICAL STUDENT OF AJ INSTITUTE OF MEDICAL SCIENCES MANGALORE ...PETITIONERS (BY SRI SUNIL R, ADVOCATE) AND

1. REGISTRAR (EVALUATION) RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE 4TH BLOCK, JAYANAGAR BANGALORE 41

2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH BLOCK, JAYANAGAR, BENGALURU 560041 REPRESENTED BY ITS VICE CHANCELLOR ...RESPONDENTS (BY SRI N K RAMESH, ADVOCATE FOR R1 & R2) THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PRESENT SYSTEM OF EVALUATION BY FOUR EVALUATORS AND TAKING AN AVERAGE OF THE FOUR EVALUATORS IN RELATION TO UNDER GRADUATE MEDICAL COURSE IS DISCRIMINATORY AS AGAINST THE EVALUATION UNDERTAKEN IN RESPECT OF POST GRADUATE MEDICAL COURSE AND ETC.

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED ON 04.02.2021 AND COMING ON FOR PRONOUNCEMENT OF ORDERS THROUGH VIDEO CONFERENCE, THIS DAY, THIS COURT MADE THE FOLLOWING:

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COMMON ORDER R. DEVDAS J., (ORAL):

The problem of valuation and revaluation seems to be raising its ugly head again and again, inspite of several decisions. The petitioners in these writ petitions are medical students seeking revaluation of their answer papers.

Prayers are also made to declare the "Amendment to Ordinance Governing Valuation of Answer Scripts of MBBS Course (RS-3 Scheme)" (hereinafter referred to as 'Ordinance 13.10.2020', for

short) notified on 13.10.2020 as unconstitutional and violative of Article 14 of the Constitution of India. Since common questions arise for decision making, with the consent of learned Counsels on both the sides, these writ petitions are heard together and disposed of by this common order.

2. Learned Senior Counsel Sri V.Lakshminarayana, appearing on behalf of some of the petitioners submitted that the Ordinance 13.10.2020 is required to be quashed as illegal and without authority of law, since it has not been

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notified in the Gazette. It is submitted that though there is no specific prescription of notifying the Ordinance in the Gazette, the general rule requiring notification of Ordinances, legislations, amendments, etc., should be made applicable to Ordinances issued by the respondent Rajiv Gandhi University of Health Sciences (hereinafter referred to as 'the respondent-University', for short). It is further submitted that the previous Ordinance, 2019 which was holding the field having been struck down by a co-ordinate bench of this Court in W.P.No.31335/2019 on 10.08.2020, but the petitioners having been admitted to the MBBS Courses during the academic years 2018-19, 2019-20, 2020-21, any new Ordinance brought into operation subsequent to the admissions, cannot be held operational as against the said students. It is submitted that such of the students who were admitted prior to the new Ordinance-

2020, will be governed by Ordinance-2019 or any other Ordinance holding the field prior to the Ordinance-2019. It was submitted that the impugned Ordinance is not

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applicable to the petitioners as the same was issued after the schedule of exams were announced. It was submitted that the stakeholders were not consulted and objections were not called for.

3. Learned Senior Counsel Sri Arun Kumar K., appearing for some of the petitioners submits that during the year 2008, the respondent University had constituted an Examination Reforms Committee consisting of experts drawn from all faculties to discuss the reforms in the existing examination system and consequently, in terms of the recommendations made by the reforms committee a notification was issued, revising the Ordinance pertaining to 3rd evaluation in UG Courses and 5th evaluation in PG Courses and provision of challenge valuation was provided for. As per the revised notification dated 30.08.2008, all the UG examinations were required to be valued by two different examiners independently. Provision was made for challenge valuation for the aggrieved students. The average marks of the best of two evaluations, in respect of

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UG students, was provided for. However, by notification dated 22.03.2010, the system of challenge evaluation was abolished and revaluation in case of deviation in general valuation was introduced. As per the said notification, the Ordinance governing revaluation came into effect from 01.04.2010,

where provision was made for general valuation by two valuers in the case of UG courses and four valuers for the PG courses. Revaluation was provided for by the 3rd examiner with respect to UG and 5th examiner with respect to PG courses. It provided that wherever the deviation between any two valuations in the general valuation is 15% or more, revaluation shall be made. The Ordinance was made applicable only to Theory papers and not viva/clinical/practical examinations, in respect of UG courses.

4. By a further notification dated 15.06.2012, a new Ordinance was brought into effect from 15.06.2012. The change that was brought about in the said Ordinance was to take the average of the best of two out of three valuation

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marks, for consideration of final computation of the results.

However, taking into consideration certain observations and directions issued by this Court in the case of Dr.Menaka Mohan and Others Vs. The Registrar (Evaluation), Rajiv Gandhi University of Health Sciences and Others, in W.P.Nos.48194-48198/2018 and connected matters decided on 21.12.2018, by notification dated 29.03.2019, a new Ordinance was brought into effect from 01.03.2019. Certain changes regarding rounding off of decimals with algebraic formula was provided for.

5. It is brought to the notice of this Court that a co-

ordinate bench of this Court, in the case of Sri Neelesh Mehta Vs. Rajiv Gandhi University of Health Sciences & Another, in W.P.No.31335/2019 and connected matters, decided on 10.08.2020, considered the challenge raised to the Ordinance, inter alia on the grounds of legislative competence, arbitrariness, retrospectivity, non-publication, procedural infirmities, and repugnancy with the extant MCI Regulations. It is submitted that while considering

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Regulation 13(2) of the Medical Council of India Regulations On Graduate Medical Education, 1997 (hereinafter referred to as 'MCI Regulations 1997' for short) and the amended Regulation 14(1)(b) of the MCI Regulations, 2000, the co-

ordinate Bench has held that Regulation 13(2) of the Regulations on Graduate Medical Education, 1997 mandated valuation by four examiners. It was noticed that the respondent University has adopted the system of valuation by four examiners in respect of practical examinations carrying 20% of the total marks for under graduates but, provides for evaluation only by two examiners for the Theory papers, which is in contravention to the Regulations of the MCI. Therefore, the writ petitions were allowed while quashing the Ordinance dated 29.03.2019. A mandamus was issued to the respondent-University to cause valuation for all Theory papers of the UG students, by a set of four examiners, in terms of Regulation 13(2) of the MCI Regulations, 1997. The benefit of the

judgment was directed to be extended to all similarly circumstanced

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students who had failed in the Theory papers on the basis of assessment under Double Valuation Method.

6. Following the directions given in the case of Sri Neelesh Mehta (*supra*), the respondent-University issued a circular dated 01.09.2020 notifying the students willing to seek for two more valuations to submit their request on or before 10.09.2020 by 5.00 p.m. to Registrar (Evaluation).

One more circular was issued on 14.09.2020, calling upon students who had not submitted the request as per the previous circular, giving them one more opportunity to submit their request on or before 16.09.2020, by 12:00 noon. It is submitted that the respondent-University conducted two additional valuations of over 14,000 answer papers in compliance of the directions issued by this Court.

However, the respondent-University notified on 13.10.2020, the new Amendment to Ordinance stating that all answer scripts of UG course shall be subjected to Digital Valuation by four evaluators in which 50% of them by Internal Examiners and 50% by External Examiners of different

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universities other than RGUHS and preferably by evaluators from outside the State as prescribed by MCI. It further provided that the average of the total marks awarded by the four evaluators for the paper, which is rounded off to the nearest value, shall be considered for computation of the results. It specifically provided that the marks awarded and the results declared after general valuation shall be final and under no circumstances further valuation shall be entertained. It is this provision that there will be no further valuation, which is under attack.

7. Learned Senior Counsel Sri.Arun Kumar K., submitted that the notification dated 13.10.2020, has been impugned in these writ petitions and a declaration is sought to quash the Notification/Ordinance on the ground that the Ordinance dated 29.03.2019 having been struck down by this Court, there could not be any amendment brought to such Ordinance. Secondly, it is submitted that in terms of Section 35(3)(b) of The Rajiv Gandhi University of Health Sciences Act, 1994, (hereinafter referred to as the 'RGUHS

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Act, 1994' for short) the Syndicate of the University is required to consult the Academic Council while making an Ordinance in matters relating to conduct or setting of standards of examination. It is submitted that the impugned Ordinance has been issued without compliance of such requirement.

8. The learned Senior Counsel Sri Arun Kumar K., submitted that the sufferance of the students sought to be eschewed by this Court in the case of Sri Neelesh Mehta, has obviously not had the desired effect. The grievance of the petitioners in Sri Neelesh Mehta's case was that there was no provision for revaluation and they had sought for valuation/ revaluation on par with the PG students. It is submitted that the PG course students are given the benefit of valuation by four examiners and deviation valuation by a 5th examiner. It is submitted that the respondent-University is hell bent upon discriminating between the UG and PG students. Noticing this discrimination and difference in treatment of the UG and PG students who were governed by

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the same provision of law as provided in the MCI Regulations, this Court had struck down the Ordinance dated 29.03.2019. The learned Senior Counsel while placing reliance on a decision of the Apex Court in the case of Cellular Operators Association of India and Others Vs. Telecom Regulatory Authority of India and others, (2016) 7 SCC 703, submitted that in matters of subordinate legislation, where there is manifest arbitrariness, unreasonableness, the same is required to be struck down.

9. Learned Counsel Sri Abishek Malipatil, appearing for some of the petitioners submitted that the requirement of the Syndicate of the University consulting the Academic Council in the matter of conduct or setting of standards of examination while making an Ordinance in terms of Section 35(3)(b) of the RGUHS Act, 1994 was considered by this Court in the case of Dr. Prashant P. Mannur and others Vs. Rajiv Gandhi University of Health Sciences and others, in W.P.Nos.25680-682/2009 and connected

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matters, decided on 05.10.2009. It was held that consultation with the Academic Council is mandatory and consultation contemplated under the said provisions is not a formal consultation but an effective consultation. The learned Counsel would further bring to the notice of this Court that one more Ordinance dated 01.02.2021, has been issued by the respondent-University, subsequent to the filing of these writ petitions. It is submitted that as per the new Ordinance dated 01.02.2021, it shall have effect on examinations conducted on or after 01.02.2021, and the system is reverted back to the Double Valuation Method, while deviation valuation is provided by a 3rd examiner, wherever the difference of the marks awarded by the two examiners is 15% or more. The learned Counsel, therefore submits that the petitioners have been left high and dry, inspite of the fact that the erratic valuation showing variation of more than 15% is conspicuously demonstrated and deviation valuation is being denied to the petitioners.

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10. Learned Counsel Sri D.R.Ravishankar, appearing for some of the petitioners submitted that the National Medical Commission has issued an advisory dated 28.01.2021 relaxing the provision of appointment of External Examiners in view of the COVID-19 pandemic. It is submitted that as per

the advisory, the requirement of having two External Examiners has been done away with and discretion is given to the Universities to provide for evaluation by two examiners as per the Central Assessment Program (CAP) of the concerned university. Although the amendment was made applicable for MBBS students admitted for the academic year 2019-20 onwards, universities are permitted to adopt the clause in respect of students of the academic year prior to 2019-20 also.

11. Per contra, learned Counsel Sri N K Ramesh, appearing for the respondent-University submits that although the impugned notification dated 13.10.2020, says it is an amendment to the Ordinance, it should be read as promulgation of Ordinance in terms of Section 35(1) of

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RGUHS Act, 1994. It is further submitted that when the impugned notification dated 13.10.2020 was issued, the Vice-Chancellor has exercised the special powers under Section 13(2), exercising the powers conferred on the Advisory Council, in terms of Section 35(3)(b).

12. The learned Counsel for the respondent-University submitted that it is a well settled position of law that unless the Regulations specifically provided for revaluation of an answer script, no Court can direct revaluation of an answer script. In this regard, reliance is placed by the learned Counsel on the following decisions:

1. Maharashtra State Board of Secondary and Higher Secondary Education and Another Vs. Parithosh Bhupeshkumar Sheth and Others, (1984) 4 SCC 27;
2. Ran Vijay Singh and Others Vs. State of Uttar Pradesh and Others, (2018) 2 SCC 357;
3. Moazam Shah Khan and Others Vs. Vice- Chancellor, Rajiv Gandhi University of Health Sciences and others, ILR 2002 KAR 1146; and
4. Mr. Vishnuram Vs. Rajiv Gandhi University of Health Sciences and Another, (unreported);

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W.P.No.31195/2016 and connected matters, decided on 05.07.2016.

13. Heard the learned Counsels and perused the petition papers.

14. The basic question that requires consideration in these matters is whether the impugned notification dated 13.10.2020, issued by the Registrar (Evaluation) could sustain judicial review, as it is alleged by the petitioners that there is non-compliance of Section 35(3)(b) of the RGUHS Act, 1994. During the course of the arguments, the learned Counsel for the respondent-University submitted that there has been a mistake in the impugned notification, where, instead of stating

'promulgation of Ordinance' by the Syndicate, it has been wrongly stated as 'Amendment to the Ordinance'. It has been stated in the additional statement of objections filed by the respondent-University that since this Court struck down the Ordinance dated 29.03.2019, by order dated 10.08.2020 in W.P.No.31335/2019 and connected matters, with a direction to evaluate the answer

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scripts of the petitioners and such other similarly circumstanced students who had failed in the examination, by conducting two more evaluation so as to bring the process of evaluation in consonance with Regulation 13(2) of the MCI Regulations 1997, additional valuations were conducted, as directed. However, the next examinations were scheduled to commence in October, 2020 and since there was a vacuum created on the Ordinance being struck down, the Vice-Chancellor had to exercise the special powers conferred under Section 13(2) of the RGUHS Act, 1994. It has been stated that the Vice-Chancellor submitted a proposal to the Syndicate on 09.10.2020, in the 152nd meeting of the Syndicate, the Syndicate considered the proposal and resolved to approve promulgation of the impugned Ordinance.

15. The explanation sought to be offered by the respondent-University, cannot cure the defect in the matter of issuance of an Ordinance. The Ordinance has been issued by the Syndicate in terms of Section 35(1) of the

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RGUHS Act, 1994. Even if the submission of the learned Counsel for the respondent-University is accepted that the act of the Syndicate in issuing the notification is not an amendment to the Ordinance, but it is a promulgation of a new Ordinance, there is nothing in the preamble of the notification which would suggest that in the matter of consultation with the Academic Council as required under Section 35(3)(b), the Vice-Chancellor has exercised the power conferred on the Academic Council by invoking the special powers conferred on the Vice-Chancellor under Section 13(2).

16. Be that as it may, if the Vice-Chancellor invoked the special powers under Section 13(2) exercising the powers vested on Academic Council, the question that would arise for consideration is whether the Vice-Chancellor could exercise such powers, in the matter of promulgation of Ordinances which is a subordinate legislation. As rightly pointed out by the learned Senior Counsel Sri Arun Kumar K., subordinate legislation should not be manifestly

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arbitrary. In the case of Cellular Operators Association of India (supra), Their Lordships have noticed two judgments in the case of Khoday Distilleries Ltd. Vs. State of Karnataka (1996) 10 SCC 304 and Sharma Transport Vs. State of A.P., (2002) 2 SCC 188, where it was held that the tests of arbitrary action which apply to executive actions do not necessarily apply to delegated legislation. In

order that delegated legislation can be struck down such legislation must be manifestly arbitrary; a law which could not be reasonably expected to emanate from an authority delegated with the law making power. Moreover, this Court has already considered as to whether the consultation process stipulated under Section 35(3)(b) is mandatory or directory. It has been held that the consultation with the Academic Council is mandatory and the consultation contemplated under the said provision is not a formal consultation but an effective consultation.

There is sufficient force in the submission of the learned Senior Counsel Sri Arun Kumar K., that the special powers

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conferred on the Vice-Chancellor under Section 13(2) cannot be stretched to enable the Vice-Chancellor to exercise the powers and functions of the Academic Council, which is an expert body, more so, in the matter of promulgation of Ordinance or amendments to the Ordinance, in matters touching upon the conduct or setting standards of examination. The powers conferred under Section 13(1) on the Vice-Chancellor is to exercise general supervision and control over the affairs of the university and give effect to the decisions of all the authorities of the university.

17. However, it is a well settled principle of law that legislative powers cannot be delegated, unless specifically provided for. In *State of Rajasthan and Others Vs. Basant Nahata*, (2005) 12 SCC 77, the Apex Court held, "that the necessity of legislature's delegating its powers in favour of the executive is a part of legislative function. It is a constituent element of the legislative power as a whole under Article 245 of the Constitution. Such delegation of

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power, however, cannot be wide, uncanalised or unguided.

The legislature while delegating such power is required to lay down the criteria or standard so as to enable the delegatee to act within the framework of the statute. A subordinate legislation which is not backed up by any statutory guideline under the substantive law and opposed to the enforcement of a legal right, would not be valid. The principle on which the power of legislation is to be exercised is required to be disclosed. It is also trite that essential legislative functions cannot be delegated. The procedural powers are, therefore, normally left to be exercised by the executive by reason of a delegated legislation."

18. His Lordship Justice M.N.Venkatachalaiah, as he then was a Judge of this Court, in the case of *M/s.Jyothi Home Industries Vs. State of Karnataka*, ILR 1986 KAR 3831, heading a Division Bench held, "the three principles that govern delegation are: first, that Doctrine of "Constitutional Trust" renders it imperative that the essential legislative functions shall be discharged by the Legislature

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alone. This it cannot delegate or dis-own. Second, is the rule, which flows as corollary to the first, that while the essentials of legislation or policy cannot be delegated, the non-essentials, however numerous and significant they be, may be made over to appropriate-agencies, such agency being always subject to the authority and control over the principal and the exercise of such delegated power can be corrected by the principal. The second-rule is not inconsistent with, but is only a corollary of, the first. The difference is between the making of the law in the sense of promulgating a binding rule of conduct and making provisions for executing it. Thirdly, that even if there being a delegation, parliamentary- control over delegated-legislation should be a "living continuity as a constitutional necessity" by appropriate parliamentary watch-dogging and "laying" procedures."

19. Further, in the case of Global Energy Ltd., Vs. Central Electricity Regulatory Commission, (2009) 15 SCC 570, which has been referred to in the Cellular Operators Association case (supra), it was held that if the

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statute provides for pointless discretion to agency, it is in essence demolishing the accountable strand within the administrative process as the agency is not under obligation from an objective norm, which can enforce accountability in decision making process. It was further held that all law-

making, be it in the context of delegated legislation or primary legislation, has to conform to the fundamental tenets of transparency and openness on one hand and responsiveness and accountability on the other.

20. When we analyse the impugned Ordinance in the light of the legal position as enunciated above, it is clear that the special powers conferred on the Vice-Chancellor under Section 13(2) cannot extend to taking over the power of the Syndicate to promulgate Ordinances under Section 35 of the RGUHS Act, 1994. At any rate, by invoking Section 13(2) of the RGUHS Act, the Vice-Chancellor is definitely not entitled to take over the consultation process of an expert body viz., Academic Council, which is required to

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give its expert opinion under Section 35(3)(b), essential for promulgating an Ordinance.

21. Consequently, this Court proceeds to hold that the impugned Ordinance dated 13.10.2020, is without authority of law and therefore, it is required to be quashed.

22. In Dr.Menaka Mohan's case (W.P.No.48194-

48198/2018 and connected matters, D.D.21.12.2018), the Under Graduate students of Medical and Dental courses, along with students of medical PG course (May-June, 2018) and Dental PG courses (May-June, 2018) approached this Court to send their answer papers for revaluation on the ground that the difference of marks awarded by two evaluators in the case of UG courses and the difference

of marks awarded by four evaluators in the case of PG courses, though less than 15% of the maximum marks prescribed, the requirement being that the difference between the evaluators must be more than 15%. The contention of the students that answer scripts were required to be referred to the third valuator since the difference

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between the marks awarded by the two valutors was more than 15% was upheld and the contention of the respondent-

University that the prescribed percentage difference is not as against the two valuations inter se, but as against the maximum marks prescribed for the papers, was negated.

The writ petition was allowed in part and a mandamus was issued to the respondent-University to send such of the answer papers wherein the percentage difference amongst the valuation of the two evaluators in the UG courses was 15% or more, for third valuation.

23. In Sri Neelesh Mehta's case (W.P.No.31335/2019 and connected matters, D.D.10.08.2020), a challenge was raised to the Ordinance governing the valuation of the UG students on the ground of discrimination, since the answer scripts of the PG students was evaluated by four examiners and provision was made for fifth evaluation also, while, in the case of UG students, valuation was done by two evaluators. The co-ordinate Bench held that the Ordinance governing the UG courses is apparently repugnant to the

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provisions of Graduate Medical Education Regulations, 1997, promulgated by the Medical Council of India under Section 33 of the Indian Medical Council Act, 1956, and therefore, it is liable to be struck down on that sole ground. It was contended on behalf of the respondent-University that throughout the country, many universities have adopted only Double Valuation Method since very long and the same method has been followed by the university too ab inception with no complaints whatsoever from the MCI or the students. The co-ordinate Bench went on to hold that despite uniform mandatory legal prescription, university could not have had one standard for under graduates and another for post graduates; to make its case worse, the university has been following four valuation method for under graduates in practical examinations, which are only for a frugal 20% of total marks prescribed for the course, while for the Theory paper comprising of the remaining 80%, only two valuations were prescribed.

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24. Consequently, the Ordinance dated 29.03.2019 was quashed and set aside. The respondent-University was directed to cause valuation of all Theory answer scripts of all the petitioners by a set of four evaluators, in terms of Regulation 13(2) of Graduate Medical Education Regulations, 1997. The benefit was extended to all similarly situated students. Liberty was also

reserved to the respondent-University to re-promulgate the Ordinance.

25. Consequent to the striking down of the previous Ordinance dated 29.03.2019, the amended Ordinance dated 13.10.2020 was notified, providing for evaluation of all answer scripts of UG courses by "Digital Evaluation" by four evaluators in which 50% of them by Internal Examiner and 50% by External Examiners of different universities other than RGUHS. What is noticeable is that the impugned Ordinance once again sought to make a deviation when compared to the Ordinance governing the PG students, where provision is made for fifth valuation, if the difference of percentage of marks between the four evaluators was

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15% or more. Under the impugned Ordinance governing the UG students, it was specifically provided that the marks awarded and the results declared after general valuation shall be the final and under no circumstances further valuation shall be entertained.

26. It needs to be reiterated that the co-ordinate Bench had struck down the previous Ordinance on the ground of discrimination, on the ground that there cannot be different sets of provisions, one for UG students and another for PG students, both flowing from the provisions of Graduate Medical Education Regulations, 1997. When a direction was issued by the co-ordinate Bench that the University may re-promulgate an Ordinance similar to that of PG students, the impugned Ordinance was promulgated once again violating the said directions.

27. The provision for having a third valuation in cases of Double Valuation Method and having a fifth valuation in cases of Four Valuation Method is a well thought of safety measure. The very fact that difference of

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more than 15% indicated erratic valuation and therefore, the need for sending such answer scripts for another evaluation has a moderating effect and provided solace to students who were awarded marks which had a huge gulf.

Therefore, prima facie, the University could not have done away with the safety measure.

28. Several instances have been brought to the notice of this Court in the writ petitions magnifying the need for a fifth valuation. One of the petitioners has been awarded-

20, 56, 35, 53 by the four valuers. The lowest being 20 and the highest being 56, the student has every reason to cry hoarse that the valuation is erratic in nature. If an average is taken in this case, the student gets 41 and therefore, he fails. On the other hand, if the paper is sent for fifth valuation, in terms of the Ordinance governing PG students, the least of the marks out of the five evaluators should be left out of consideration and the average of the other four should be taken into consideration. In such scenario, the student has a better chance of succeeding.

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The learned Counsels for the petitioners have pointed out to the fact that all the petitioners are more or less in the same situation.

29. The contention of the learned counsel for the respondent-University that providing for four evaluations fulfills the requirement under the Graduate Medical Education Regulations, 1997, and there is nothing in the said Regulations compelling the University to have a fifth valuation, cannot be accepted. The basic premise on which the previous Ordinance was struck down by the co-ordinate Bench was that there cannot be a discrimination in providing for valuation of the answer scripts of a PG student or a UG student. So long as there is provision for four evaluations and a fifth evaluation for PG students, similar provisions are required to be made use of in case of the UG students also.

30. On the other hand, if the National Medical Commission has issued fresh Ordinance/Circular/Notification reverting to the system of Double Evaluation Method, while

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providing for deviation valuation by a third examiner, and although the same would have effect on examinations conducted on or after 01.02.2021, the said system can also be adopted in the case of the petitioners herein. The said Circular, though issued in view of the COVID-19 Pandemic, leaves it to the discretion of the universities to adopt the same in respect of students of the earlier semesters.

Nevertheless, since it is an admitted fact that four valuations have already been done, there is a need for sending the answer scripts of students for fifth valuation or deviation valuation, where the difference in the valuation is 15% or more.

31. Before parting, this Court deems it fit to remind the respondent-University and the National Medical Commission that His Lordship Krishna S.Dixit J., had made thought provoking observations in the matter of digital evaluation of answer papers and the need for model key answers. The petitioners had raised objection as to the level of efficacy and transparency in the matter of Digital

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Valuation. The students had pressed for introduction of the concept of Model Key Answers on the ground that it would reduce the vagaries of valuation and evaluators by providing some yardstick. The submissions of the learned Senior Counsel representing the respondent-University that matters relating to examination, valuation of papers and modalities of valuation, fall within the exclusive domain of the campus and ordinarily Courts do not take up a roving enquiry, more so, when they relate to the fast growing Medical Science and Technology was noticed. Regard was also had to the explanations given by the Registrar (Evaluation) on the difficulties in immediately implementing the system of Model Key Answers. The co-ordinate Bench noticed that the University was not averse to

welcoming expert views from the community of the students for improving the system as such. The manner in which the impugned Ordinance was issued, without seeking the opinion of an expert body like the Advisory Council, does not augur well for the future of medical education. While

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framing policies, opinion of the experts should be sought and the grievance of the student community should also be heard. A policy having broad vision would be least susceptible to challenge. Therefore, this Court takes this opportunity to once again remind the respondent-University and the National Medical Commission to ponder over the observations and come up with a policy which would be in the best interest of medical education.

32. As a bottom line, this Court is of the considered opinion that the grievance put forth by the petitioners requires to be redressed as they are genuine. For the reasons stated above, this Court proceeds to pass the following:

ORDER

1. The writ petitions are allowed.
2. The "Amendment to Ordinance Governing Valuation of Answer Scripts of MBBS Course (RS- 3 Scheme)" notified on 13.10.2020, is hereby quashed and set aside.

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3. The respondent-RGUHS is hereby directed to apply the formula as provided in the Ordinance governing the PG students of the respondent- University, identify all the cases where there is a difference of 15% or more in the four valuations and send them for fifth valuation. The exercise shall be restricted to failed students only.
4. Declare the results applying the provisions governing PG students of the respondent- University, after the fifth valuation and proceed to issue marks card accordingly.
5. The entire exercise shall be completed well before the commencement of the next year examinations which is tentatively scheduled to commence during first week of March 2021.

It is ordered accordingly.

SD/-

JUDGE DL/JT