

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21<sup>ST</sup> DAY OF JUNE, 2023

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

**WRIT PETITION NO. 9985 OF 2023 (EDN-RES)**

**C/W**

**WRIT PETITION NOS.7019/2023, 7577/2023, 8381/2023,  
8655/2023, 8837/2023, 9032/2023, 9433/2023,  
9577/2023, 9702/2023 & 9834/2023**

**IN WP NO.9985/2023**

**BETWEEN:**

ANIRUDDH V U  
S/O K.S. VENKATESHA UPADHYAYA  
AGED 22 YEARS  
R/AT ATTIGARU, ARALASURALI,  
SHIVAMOGGA, KARNATAKA - 577 414

...PETITIONER

(BY SRI.PRATEEK CHANDRAMOULI, ADVOCATE)

**AND:**

RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
BY ITS REGISTRAR (EVALUATION)  
4<sup>TH</sup> T BLOCK EAST, PATTABHIRAMA NAGAR,  
JAYANAGAR, BENGALURU  
KARNATAKA - 560041.

...RESPONDENT

(BY SRI.SACHIN.B.S, ADVOCATE FOR R1 & R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE VALUATION OF THE PRACTICAL ANSWER BOOKLET IN THE SUBJECT MEDICINE IN RESPECT OF THE PETITIONER VIDE ANNEX-A AS IT IS ARBITRARY AND IN VIOLATION OF THE JUDGEMENT OF THIS HONBLE HIGH COURT AND ETC.,

**IN WP NO.7019/2023**  
**BETWEEN:**

GOUSIA BANU  
W/O SYED PATEL,  
AGED ABOUT 53 YEARS,  
R/AT NO.19,  
VENKATESHWARA TENT ROAD,  
DEVASANDRA, K R PURAM,  
BANGALORE-560036.

...PETITIONER

(BY SRI.MOHAMMED TAHIR, ADVOCATE)

**AND:**

- 1 . RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE  
4<sup>TH</sup> T BLOCK, PATTABHIRAMANAGAR,  
JAYANAGAR, BANGALORE -560041,  
REP BY REGISTRAR (EVALUATION).
- 2 . MANDYA INSTITUTE OF MEDICAL SCIENCE  
MANDYA,  
MANDYA CITY-571401,  
REP BY ITS DIRECTOR.
- 3 . NATIONAL MEDICAL COMMISSION  
ROCKET NO.4, SECTOR 8,  
DWARAKA PHASE-1,

NEW DELHI-110077.

...RESPONDENTS

(BY SRI.SACHIN.B.S, ADVOCATE FOR R1;  
SRI.N.KHETTY, ADVOCATE FOR R3;  
SMT.SUMANA BALIGE, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 &227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT R-1 AND 2 TO CONDUCT SURGERY PRACTICAL EXAM OF PETITIONERS DAUGHTER A FRESH BY FOLLOWING THE GUIDELINES OF YEAR 2020 AT ANN-C, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

**IN WP NO.7577/2023**  
**BETWEEN:**

MS. PRIYANKA P K  
D/O DR. PRABHAKAR K,  
AGED ABOUT 22 YEARS,  
R/AT NO.127/13, P C EXTENSION,  
4<sup>TH</sup> MAIN, 4<sup>TH</sup> CROSS,  
KOLAR-563102.  
PURSUING IV YEAR MBBS AT BANGALORE MEDICAL  
COLLEGE AND RESEARCH INSTITUTE.

...PETITIONER

(BY SRI.PARASHURAM A L, ADVOCATE)

**AND:**

- 1 . RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR,  
BENGALURU-560041  
REPRESENTED BY ITS REGISTRAR (EVALUATION)
- 2 . THE DEPUTY REGISTRAR (EVALUATION)  
RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES,

4<sup>TH</sup> T BLOCK, JAYANAGAR,  
BENGALURU-560041.

- 3 . BANGALORE MEDICAL COLLEGE AND RESEARCH INSTITUTE  
FORT, K.R. ROAD,  
BANGALORE-560002  
REPRESENTED BY ITS PRINCIPAL.

...RESPONDENTS

(BY SRI.SACHIN B S, ADVOCATE FOR R1 & R2;  
SRI.P.S.MALIPATIL, ADVOCATE FOR R3;  
SRI.ADITYA SONDI, SR. ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE  
CONSTITUTION OF INDIA PRAYING TO DIRECTION TO R-1  
UNIVERSITY TO RE-CONDUCT THE PRACTICAL EXAMINATION OF  
THE OBSTETRICS AND GYNECOLOGY SUBJECT OF THE MBBS RS3  
COURSE CONDUCTED IN FEBRUARY 2023 FOR THE PETITIONER IN  
A TIME BOUND MANNER VIDE ANNEXURE-A.

**IN WP NO.8381/2023**  
**BETWEEN:**

MS GADIRAJU NAGA NAVYA,  
D/O GADIRAJU NARAYANA RAJU,  
AGED 21 YEARS,  
UNI REG. NO. 18M0703,  
R/O IMPERIAL NAVKIS APARTMENT-601,  
6<sup>TH</sup> MAIN ROAD, H.S.R. NAGAR,  
MATHIKERE, BENGALURU-560054.

...PETITIONER

(BY SRI.ABHISHEK MALIPATIL, ADVOCATE)

**AND:**

- 1 . RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE  
4<sup>TH</sup> T BLOCK, JAYANAGAR,  
BENGALURU -560 041,  
REP BY ITS VICE CHANCELLOR.
  
- 2 . REGISTRAR (EVALUATION)  
RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES,  
4<sup>TH</sup> T BLOCK, JAYANAGAR,  
BENGALURU -560 041.

...RESPONDENTS

(BY SRI.SACHIN.B.S, ADVOCATE FOR R1 & R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARING THE MARKS AWARDED TO THE PRACTICALS/CLINICALS EXAMINATION OF THE SUBJECT GENERAL MEDICINE OF THE PHASE III -PART II (4<sup>TH</sup> YEAR) MBBS EXAMINATIONS OF FEBRUARY 2003 UNDERTAKEN BY THE PETITIONER AS PER THE PRACTICAL ANSWER PAPER OF THE SUBJECT GENERAL MEDICINE ISSUED BY THE RESPONDENT UNIVERSITY ON 05.04.2023 VIDE ANNEX-C AS NULL AND VOID AND ETC.,

**IN WP NO.8655/2023**  
**BETWEEN:**

- 1 . SRI. SHAMANTH H.S.  
S/O. SHASHIKANTH. H. M.,  
AGED ABOUT 24 YEARS,  
R/AT NO. 28/24,GIRIMOJI RAO'S COMPOUND,  
TAILOR STREET, COWLBAZAR, BELLARY-583 102.  
REG NO. 18M2392.
  
- 2 . SRI. SHRIKANTH. G. S.  
S/O. SHASHIDHARA. G. H. ,

AGED ABOUT 24 YEARS,  
R/AT GARJE OUTPOST, KADUR TALUK,  
CHICKMAGALURU DISTRICT-577 140,  
REG NO. 18M2399.

- 3 . SRI. SHUBHAKAR. B. K.  
S/O. KALLESHPA. B. R.,  
AGED ABOUT 24 YEARS,  
R/AT SANIDEVARA STREET,  
BESIDE MARUTI ITI COLLEGE,  
KADUR, CHICKMAGALURU-577 548,  
REG NO. 18M2400

- 4 . KUM. SHREYA. M. S.  
D/O. MANJAPPA. A. S,  
AGED ABOUT 23 YEARS,  
R/AT 857/13, 1<sup>ST</sup> STAGE,  
SHIVKUMAR SWAMY BADAWANE,  
DAVANAGERE-577 005,  
REG NO. 18M2396

PETITIONERS 1-4 ARE STUDENTS OF SHIMOGA INSTITUTE  
OF MEDICAL SCIENCES,  
SAGAR ROAD, MISSION COMPOUND,  
SHIVAMOGGA, KARNATAKA-577 201.

- 5 . KUM. NIKITHA GOWDA  
D/O. ESWAR N. B, TURUVEKARE,  
AGED ABOUT 23 YEARS,  
MAYASANDRA ROAD,  
OPP. JUNIOR COLLEGE,  
TUMKUR-572 227,  
REG NO. 18M1891
- 6 . KUM. PRITHVI. M  
D/O. NANDISHWARA,  
AGED ABOUT 24 YEARS,  
R/AT R.V. GARDENS, P.C. HALLI MAIN ROAD,  
KOLAR-563 101,

REG NO. 18M1898.

- 7 . KUM. AISHWARYA  
D/O. RAMANGOUDA,  
AGED ABOUT 23 YARS,  
R/AT VENAKATRAO COLONY,  
WARD NO. 8, SINDHANUR,  
RAICHUR-584 128,  
REG NO. 18M1826.
- 8 . SRI. NIKHIL CHALLAGUNDLA  
S/O. CHALLAGUNDLA.S,  
AGED ABOUT 22 YEARS,  
R/AT NO. 28, LANDSTAR PINNACLE,  
HIRANDAHALLI, BENGALURU-560 049,  
REG. NO. 18M1958.
- 9 . KUM. ANUSHA CHINWAL  
D/O. ARUN,  
AGED ABOUT 23 YEARS,  
R/AT PLOT NO. 40/41A NRPATUNGA PARK SHAKTI COLONY,  
HUBLI, DHARWAD, KARNATAKA-580 032,  
REG. NO. 18M1833.
- 10 . KUM. DIVYA SUSANGI  
D/O. ARUN,  
AGED ABOUT 24 YEARS,  
UNKAL CROSS, SIDDESHWAR NAGAR,  
DHARWAD DISTRICT,  
HUBLI ENGINEERING COLLEGE,  
DHARWAD-580 031,  
REG NO. 18M1852

PETITIONERS 5-10 ARE STUDENTS OF EAST POINT  
COLLEGE OF MEDICAL SCIENCES,  
JNANA PRABHA, EAST POINT CAMPUS,  
VIRGO NAGAR POST,  
AVALAHALLI, BENGALURU,

KARNATAKA-560 049.

...PETITIONERS

(BY SRI.PRATEEK CHANDRAMOULI, ADVOCATE)

**AND:**

RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
BY ITS REGISTRAR (EVALUATION),  
4<sup>TH</sup> T BLOCK, EAST,  
PATTABHIRAMA NAGAR,  
JAYANGAR, BENGALURU,  
KARNATAKA-560 041.

...RESPONDENT

(BY SRI.SACHIN.B.S, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE  
CONSTITUTION OF INDIA PRAYING TO QUASH THE VALUATION OF  
THE PRACTICAL ANSWER BOOKLET IN THE SUBJECT PEDIATRICS  
IN RESPECT OF THE P1 TO P4 OF THE EXAMINATIONS OF  
FEBRUARY 2023,VIDE ANNX-A TO A3, AS IT IS ARBITRARY AND IN  
VIOLATION OF THE JUDGMENTS OF THIS HONBLE HIGH COURT  
AND ETC.,

**IN WP NO.8837/2023**

**BETWEEN:**

- 1 . HARSHITHA K  
D/O KRISHNA REDDY,  
AGED 24 YEARS,  
1<sup>ST</sup> BLOCK, SHANTHINAGARA CHELUR,  
CHIKKABALLAPUR 563124,  
REG NO 17 M 4281



- 2 . MANUSHREE N  
D/O N NARASIMHAMURTHY,  
AGED 23 YEARS,  
10/A, 2<sup>ND</sup> MAIN ROAD, LBS NAGAR,  
VIMANAPURA, BENGALURU-560017  
REG NO 18 M 2492
- 3 . MANOJ S N  
S/O NANJUNDA REDDY,  
AGED 25 YEARS,  
SULIKUNTE, BENGALURU562125,  
REG NO 18 M 2490
- 4 . KOTHAPALLI DHATRI  
C/O KOTHAPPALLI RAGHU BABU,  
AGED 24 YEARS,  
P NO 290, 291, GOPALANAGAR,  
DIAMOND HILLS 1 KUKATPALLI,  
TELANGANA 500085,  
REG NO 17 M 4358
- 5 . MANISH N  
S/O D NAGENDRA,  
AGED 24 YEARS,  
2<sup>ND</sup> CROSS, VIDYANAGAR,  
SHVIAMOGGA 577201,  
REG NO 18 M 2489
- 6 . AMITH M R  
S/O RAMAPPA, AGED 23 YEARS,  
NO 6, 4<sup>TH</sup> CROSS, KENCHAPPA LAYOUT,  
SHIVAMOGGA 577204,  
REG NO 18 M 2436
- 7 . SHYLENDRA KUMAR U K  
S/O KRISHNAMURTHY H R,  
2<sup>ND</sup> MAIN, 2<sup>ND</sup> CROSS, GANDHINAGAR,  
TIPTUR-572201, AGED 23 YEARS,

REG NO 18 M 2537

- 8 . GOURAB ROY  
S/O GOUTHAM ROY,  
AGED 26 YEARS,  
NO 1, DURGSTHAN COLONY, KATHIHAR,  
BIHAR 854105,  
REG NO 18 M 2463
- 9 . S MANOJ KUMAR  
S/O G SRINIVAS,  
AGED 24 YEARS,  
DIST. LEVEL HOSPITAL, SHIKARIPURA 577427,  
REG NO 18 M 2517
- 10 . PRADEEP KUMAR N  
S/O NARAYANA REDDY,  
AGED 24 YEARS,  
C/O SUBBIAH INSTITUTE OF MEDICAL SCIENCES,  
MENS HOSTEL, N H 1, HH ROAD, PURLE,  
SHIVAMOGGA 577222,  
REG NO 18 M 2511

...PETITIONERS

(BY SRI.N.K.RAMESH, ADVOCATE)

**AND:**

- 1 . RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR, BANGALORE 560041,  
REPRESENTED BY ITS REGISTRAR.
- 2 . RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR, BANGALORE 560041,  
REPRESENTED BY ITS REGISTRAR (EVALUATION)

- 3 . SUBBAIAH INSTITUTE OF MEDICAL SCIENCES  
N H 1, HH ROAD, PURLE, SHIVAMOGGA 577222.  
REPRESENTED BY ITS DEAN

...RESPONDENTS

(BY SRI.SACHIN.B.S, ADVOCATE FOR R1 & R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARING THAT THE PRACTICAL EXAMINATION OF THE PETITIONER IN THE SUBJECT PEDIATRICS CONDUCTED BY THE RESPONDENT IN FEBRUARY 2023 AS ILLEGAL AND SET-ASIDE AND ETC.,

**IN WP NO.9032/2023**  
**BETWEEN:**

- 1 . KUM. VASAVI GUNDALLI  
D/O. HONNAPPA,  
AGED ABOUT 26 YEARS,  
R/AT NO. 55, NILAGIRI,  
NRUPATHUNGA PARK,  
NEAR SHAKTI COLONY,  
HUBBALLI-580 032,  
REG. NO. 16M3391.
- 2 . KHEM CHAND VERMA  
S/O. KISAN CHAND VERMA,  
AGED ABOUT 27 YEARS,  
R/AT B.H. ROAD, SHIVAMOGGA,  
KARNATAKA-577 201.  
REG NO. 16M4129
- 3 . SHIVRATAN BAIRWA  
S/O. SHARVANLAL,  
AGED ABOUT 27 YEARS,  
R/AT B.H. ROAD, SHIVAMOGGA,

KARNATAKA-577 201.  
REG NO. 17M0677

4 . PRAMOD. M  
S/O. MANJUNATH. K. S.,  
AGED ABOUT 22 YEARS,  
NO. 21, KODIGEHALLI,  
KADUGODI POST,  
BANGALORE-560 067.  
REG. NO. 17M4314

...PETITIONERS

(BY SRI.PRATEEK CHANDRAMOULI, ADVOCATE)

**AND:**

RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
BY ITS REGISTRAR (EVALUATION),  
4<sup>TH</sup> T BLOCK EAST,  
PATTABHIRAMA NAGAR, JAYANAGAR,  
BENGALURU, KARNATAKA-560 041.

...RESPONDENT

(BY SRI.SACHIN B S, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE  
CONSTITUTION OF INDIA PRAYING TO QUASHING THE VALUATION  
OF THE PRACTICAL ANSWER BOOKLET IN THE SUBJECT MEDICINE  
IN RESPECT OF THE PETITIONER NO.1, OF THE EXAMINATIONS OF  
FEB 2023 VIDE ANNEX-A, AS IT ARBITRARY AND IN VIOLATION OF  
THE JUDGEMENT OF THIS HONBLE HIGH COURT AND ETC.,

**IN WP NO.9433/2023**  
**BETWEEN:**

- 1 . MS TEENA MARIA THOMAS  
D/O THOMAS K O  
AGE 23 YEARS, UNI REG NO 18M0397  
R/O ST. THOMAS TERESSA HOSTEL,  
ST JOHNS MEDIAL COLLEGE,  
SARJAPUR ROAD, KORAMANGALA,  
BENGALURU-560034
  
- 2 . MS SAGARIKA ALEXANDER  
D/O SANDEEP ALEXANDER  
AGE 24 YEARS, UNI REG NO 18M0372  
R/O ST. THOMAS TERESSA HOSTEL,  
ST JOHNS MEDICAL COLLEGE,  
SARJAPUR ROAD, KORAMANGALA,  
BENGALURU-560034

...PETITIONERS

(BY SRI.ABHISHEK MALIPATIL, ADVOCATE)

**AND:**

- 1 . RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR,  
BENGALURU 560041  
REP BY ITS VICE CHANCELLOR
  
- 2 . THE REGISTRAR (EVALUATION)  
RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR,  
BENGALURU-560041

...RESPONDENTS

(BY SRI.SACHIN B S, ADVOCATE FOR R1 & R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO 1. DECLARING THE MARKS AWARDED TO THE PRACTICALS/ CLINICALS EXAMINATION OF THE SUBJECT GENERAL MEDICINE OF THE PHASE III - PART II (4TH YEAR) MBBS EXAMINATIONS OF FEBRUARY 2023 UNDERTAKEN BY THE PETITIONER AS PER THE PRACTICAL ANSWER PAPER OF THE SUBJECT GENERAL MEDICINE ISSUED BY THE RESPONDENT UNIVERSITY ON 12.04.2023 VIDE ANNEX-C AS NULL AND VOID AND ETC.,

**IN WP NO.9577/2023**  
**BETWEEN:**

- 1 . KUM.AFEEFA KAUSER K  
D/O MOHAMMED KHADEER AHMED  
AGED ABOUT 22 YEARS,  
R/A MEHAR MZMZIL, NEAR WMO  
SCHOOL, BATHERY P.O,  
SULTHANBATHERY, WAYANAD,  
SULTHAN BATHERY, KERALA,  
673592, REG.NO.18M1825.
- 2 . KUM.SHALINI JHA  
D/O MAHINDRA NATH JHA  
AGED ABOUT 22 YEARS,  
R/A FLAT NO.902, WING 19,  
SHRIRAM SUMMIT, ELECTRONIC CITY  
PHASE 1, BANGALORE-560 100  
REG NO:18M1919.
3. KUM.BISWAMITA TRIPATHY  
D/O BISWAJITH TRIPATHY  
AGED ABOUT 22 YEARS,  
R/A #245, 3<sup>RD</sup> CROSS, CELEBRITY  
PARADISE LAYOUT, ELECTRONIC  
CITY, BANGALORE 560 100

REG NO.18M1846.

4. SRI.SIDDHARTHA M.C  
S/O CHANDRAPPA M.G.  
AGED ABOUT 23 YEARS  
R/A 72/R, MIG KHB KALLAHALLI  
KASHIPURA MAIN ROAD,  
SHIMMOGA-577 204  
REG NO.18M3305.
5. SRI.VIVEKANANDASWAMY TKM  
S/O VISHWANATHAIAH KM  
AGED ABOUT 23 YEARS  
R/A ARASIKERE POST,  
HARANAPAHALI TALUK,  
DAVANAGERE DIST 583 131  
REG NO.18M2422.
6. SRI.KIRAN S.B.  
S/O SHIVANANDA  
AGED ABOUT 23 YEARS  
R/A 24/A, 5<sup>TH</sup> CROSS,  
SHARADAMBA NAGAR,  
JALAHALLI BANGALORE 560 013  
REG NO.18M5605.
7. SRI.ROHAN S.O.NAIK  
S/O ONKARA NAIK,  
AGED ABOUT 22 YEARS,  
R/A #12, ANJANADRI,  
6<sup>TH</sup> CROSS 60 FT ROAD,  
VINOBANAGARA, SHIMMOGA-577 204  
REG NO.18M4973.
8. SRI.ABHISHEK G.R.  
S/O RANGAPPA  
AGED ABOUT 22 YEARS,  
R/A #2948/8, 1<sup>ST</sup> A MAIN RAOD,

C BLOCK, 2<sup>ND</sup> STAGE RAJAJINAGAR  
BANGALORE 560 021  
REG NO.18M1522.

9. SRI.ASGHAR BOMMANAHALLI  
S/O KHADARGOUSE  
AGED ABOUT 31 YEARS,  
R/A SJHIFA NURSING HOME  
SHAH BAZAAR, BANKAPUR  
HAVERI DISTRICT,  
SHIGGAON TALUK-581 202  
REG NO.10M2715.
10. SRI.S.JAYANTH  
S/O V.SURESH REDDY  
AGED ABOUT 22 YEARS,  
R/A #42, 14<sup>TH</sup> CROSS GK  
LAYOUT CK NAGAR (HOSA ROAD)  
ELECTRONIC CITY POST  
BANGALORE-560 100  
REG NO.18M0769.
11. SRI.KEERTHAN VALMIKI H.R.  
S/O RAJASHEKHARAI AH H.R.  
AGED ABOUT 23 YEARS  
R/A MARUTHI NNAGAR, 1<sup>ST</sup> B CROSS  
HASIRU NILAYA, TUMKUR-572 224  
REG NO.18M0720.
12. KUM.POORNIMA  
D/O DODDABASAPPA  
AGED ABOUT 24 YEARS,  
R/A GOBBARAKAL, SINDHANUR  
TALUK, POST HUDA,  
RAICHUR-584 128  
REG BI,18M4814.
13. SRI.RISHI PANDEY  
S/O M.R.UMESH PANDEY



AGED ABOUT 26 YEARS,  
R/A PRAGYA HOSPITAL NEAR  
PANCHAYAT BHAWAN, KAMARGANJ,  
AYODHYA-224 229  
REG NO.18M0767.

14. SRI.SAURABH RAI  
S/O HARIKESH RAI  
AGED ABOUT 25 YEARS  
R/A 1106, BLOCK E, VVIP HOMES,  
GAUR CITY 2, GREATER NOIDA,  
NOIDA, UTTAR PRADESH-201 301  
REG NO.18M0777.
15. SRI.AAKASH SINGH  
S/O BALENDRA BHOOSHAN SINGH  
AGED ABOUT 26 YEARS  
R/A IMLIA KHADAR VILLAGE, KUTTI  
RAMTALHA POST, BALRAMPUR DIST,  
UTTAR PRADESH-271 215  
REG NO.17M4248.
16. SRI.SHYLENDRA KUMAR U K  
S/O KRISHNAMURTHY H.R  
AGED ABOUT 24 YEARS  
R/A VINAYAKANAGAR, 2<sup>ND</sup> MAIN,  
TIPTUR-572 201  
REG NO.18M2537.
17. KUM.NEHA A KARAKAR PARTHI  
D/O ADISHESHAIAH  
AGED ABOUT 24 YEARS  
R/A #2, DWARKAMAI, 6<sup>TH</sup> MAIN,  
F BLOCK, RAMKRISHNA NAGAR,  
MYSORE-570 022  
REG NO.17M5387.

18. SRI.SUSHANTH R JAGANNAVAR  
S/O REVANNA JAGANNAVAR  
AGED 22 YEARS,  
R/A BASAVA NILAYA,  
VIDYA NAGAR 2, COLLEGE ROAD,  
RAIBAG BELGAUM-591 317  
REG NO.18M5018.
19. SRI.SUNIL S KALABHAVI  
S/O SHIVANANAD M.K.  
AGED ABOUT 24 YEARS  
R/A C/O G.M.HOROBIDI  
AT POST MUMMIGATTI TQ,  
DHARWAD DIST-580 011  
REG NO.18M5013.
20. KUM.TULIKA SHINEY TIRKEY  
D/O MR.TARCISIUS TIRKEY  
AGED ABOUT 25 YEARS  
R/A ROHTAS VILLA PLOT NO.4/2  
MOTHER TERESA NAGAR,  
KATANGI ROAD KARMETA JABALPUR  
MADHYA PRADESH-482 002  
REG NO.18M0402.
21. KUM.BHARGAVI B.M.  
D/O BASWARAJ  
AGED ABOUT 24 YEARS,  
R/A #23-3/9 UPPER MADDI NO.1  
NEAR METHODIST CHURCH,  
SHAHABAD, CHITTAPUR TALUK,  
KALABURAGI DISTRICT  
PIN CODE:585 228  
REG NO.17M2275.
22. LEANNA CRASTA  
D/O ANTHONY STEVEN  
AGED ABOUT 24 YEARS,

R/A #19/2 9<sup>TH</sup> CROSS,  
MARUTHI NAGAR, MADIWALA,  
OPPOSITE TO VENKATESHWARA  
COLLELGE-560 068  
REG NO.18M1953.

23. SRI.S.RAVI  
S/O MALAKAPPA  
AGED ABOUT 24 YEARS,  
MALAKAPPA TEACHER,  
GANDHI CHOWK DEVDURGA,  
RAICHUR-584 111  
REG NO.18M4978.

...PETITIONERS

(BY SRI.PRATEEK CHANDRAMOULI, ADVOCATE)

**AND:**

RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
BY ITS REGISTRAR (EVALUATION)  
4<sup>TH</sup> T BLOCK EAST, PATTABHIRAMA NAGAR,  
JAYANAGAR, BENGALURU,  
KARNATAKA-560 041.

...RESPONDENT

(BY SRI.SACHIN B S, ADVOCATE)

THIS WP IS FILED PRAYING TO 1. QUASH THE VALUATION OF THE PRACTICAL ANSWER BOOKLET IN THE SUBJECT MEDICINE IN RESPECT OF THE PETITIONERS NO.1, 2, 3, 4, 6, 8, 10, 13, 14, 15, 17, 19, 20 AND 22 OF THE EXAMINATIONS OF FEBRUARY 2023, VIDE ANNEXURES A, A1, A2, A3, A5, A7, A9, A12, A13, A14, A16, A18, A19 AND A21 AS IT IS ARBITRARY AND IN VIOLATION OF THE JUDGMENTS OF THIS HONBLE COURT AND ETC.,

**IN WP NO.9702/2023**  
**BETWEEN:**

- 1 . L.MEDHA SRAVANTHI  
D/O L.CHANDRA SHEKAR  
AGED 24 YEARS  
303, C-WING, ASFHWINI SITARA  
APARTMENTS, RAMAKRISHNAPURE,  
CHANDAPURA, BENGALURU-560 099  
REG. NO.18M24K85.
  
- 2 . ANJALI B.  
D/O BABU B.V.  
AGED ABOUT 24 YEARS  
NO.6, NEAR GOVT.SCHOOL,  
BALEGERE, BELLANDUR,  
BENGALURU-650 103  
REG. NO.18M2441.
  
3. PREETHA V DURGESHWARI  
D/O VENKARESH M  
AGED ABOUT 24 YEARS,  
116, 1<sup>ST</sup> MAIN, MARAMMA TEMPLE  
STREET, VTC BANGALORE SOUTH,  
BASAVANAGUDI,  
BENGALURU-560 004  
REG. NO.17M4315.
  
4. VIDYA SREE A  
D/O A SHARADA  
AGED 24 YEARS  
C/O SUBBAIAH INSTITUTE OF  
MEDICAL SCIENCES, WOMENS  
HOSTEL, NH1, HH ROAD, PURLE,  
SHIVAMOGGA-577 222  
REG. NO.18M2554.
  
5. ANUSHREE M.C.

D/O BHAGYA M.R.  
AGED 26 YEARS  
29/402-1, GAREBAVIPALYA,  
BOMMANAHALLI,  
BENGALURU-560 068  
REG. NO.17M4367.

6. AMUTA SHEETAL CHAVAJ  
D/OSHEETAL  
AGED 25 YEARS  
KILLA BHAG, TERDAL  
BAGALKOT-587 315  
REG. NO.18M2562.
7. SHASHANK L  
S/O LOKESHAPPA  
AGED 26 YEARS  
TALLIKATTE  
SHIMOGGA-577 227  
REG.NO.17M4388.
8. SATYAM  
S/O SATYENDRA KUMAR MISHRA  
AGED 26 YEARS  
NO.4009, ROAD NO.12  
ASHOKNAGAR, SAMPECHAK,  
PATNA-800 020  
REG.NO.17M4387.
9. SURYA N NISHANIMATH  
S/O DR.GURUDEV N NISHANIMATH  
AGED 24 YEARS  
B-191, WOMWNS POITECHNIC  
COLLEGE RD, SWAMY VIVEKANANDA  
EXTN, GADIKOPPA,  
SHIMOGA-577 205  
REG.NO.18M2544.

10. VISHWANATH SHASHIKANT PATIL  
S/O SHASHIKANTH  
AGED 24 YEARS  
PLOT NO.356, SCHEME-13,  
BELAGUM-590 001  
REG.NO.18M2557.
11. AKARSH C.R.  
S/O C.H.RAMESH  
AGED 23 YEARS,  
CHITTUVALLI, KELAGUR,  
CHIMAGALORE DIST-577 111  
REG.NO.18M2431.
12. AKASH G MISHRI KOTI  
S/O GURUNATH  
AGED 23 YEARS  
SUBBAIAH INSTITUTE OF MEDICAL  
SCIENCES, MENS HOSTEL  
NH1, HH ROAD, PURLE,  
SHIVAMOGGA-577 222  
REG.NO.18M2432.
13. HARINI MUTYALA  
D/O SREERAM MURTHY  
AGED 25 YEARS  
16<sup>TH</sup> A MAIN, 8<sup>TH</sup> CROSS, J.P.NAGAR  
BENGALURU-560 078  
REG.NO.17M4280.
14. SUNIL GOUDA S PATIL  
S/O SIDDAPA GOUDA PATIL  
AGED 25 YEARS  
AGASBALA  
BIJAPUR-586 208  
REG.NO.18M2542.

15. PURBASHA BANU  
D/OPRADIPTA BANU  
AGED 26 YEARS  
BHAKHRAHAT, BISHNUPUR-2,  
SOUTH PARAGANAS  
WEST BENGAL-743 377  
REG nO.17M4280.
16. SARIKA REDDY P  
D/O PRASAD REDDY  
AGED 24 YEARS  
84, GUMMAREDDY PURA,  
SRINIVASPUR, KOLAR-563 126  
REG.NO.17M4328.
17. PAVANKALYAN D.M.  
S/O D.M.MUNIRAJU  
AGED 24 YEARS,  
2965, 25<sup>TH</sup> WARD,  
DODDABALLAPUR,  
BENGALURU RURAL DIST-561 203  
REG.NO.17M4308.
18. AITHRA R  
D/O R.RAJAPUTHIRAN  
AGED 23 YEARS  
SUBBAIAH INSTITUTE OF MEDICAL  
SCIENCES  
MENS HOSTEL, NH1, HH ROAD,  
PURLE, SHIVAMOGGA-577 222  
REG.NO.17M4368.
19. D.SATWIK  
S/O KRISHNA DEVABOYINA  
AGED 23 YEARS  
G-2, SHAIVALYA APARTMENTS,  
BASAVESGWARA LAYOUT,  
NAGASHETTYHALLI, RMV

EXTENSION, BANGALURU-560 009  
REG.NO.18M2452.

20. SUSHRUT AICH  
S/O SUSANTHA AICH  
AGED 26 YEARS,  
1/7, MAHENDRA BANARJEE ROAD,  
PARANSREE PALLY,  
KOLKATA-700 060  
REG.NO.17M4392.

...PETITIONERS

(BY SRI.N.K.RAMESH, ADVOCATE)

**AND:**

- 1 . RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR,  
BANGALORE- 560041  
REPRESEBTD BY ITS REGISTRAR.
- 2 . RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR,  
BANGALORE- 560041  
REPRESEBTD BY ITS REGISTRAR (EVALUATION)
3. SUBBAIAH INSTITUTE OF MEDICAL SCIENCES  
NH1, HH ROAD, PURLE,  
SHIVAMOGGA-577 222  
REPRESENTED BY ITS DEAN.

...RESPONDENTS

(BY SRI.SACHIN B S, ADVOCATE FOR R1 & R2)

THIS WP IS FILED PRAYING TO ISSUE A WRIT DECLARING  
THAT THE PRACTICAL EXAMINATION OF THE PETITIONERS IN THE



SUBJECT PEDIATRICS CONDUCTED BY THE RESPONDENTS IN FEBRUARY 2023 IN THE 3<sup>RD</sup> RESPONDENT COLLEGE RESULTING IN DECLARING THEM AS FAILED AS PER ANNEXURES A TO A19 AS ILLEGAL AND SET ASIDE AND ETC.,

**IN WP NO.9834/2023**  
**BETWEEN:**

- 1 . KUM.VIDYA S SHINDE  
D/O SATYENDRA SHINDE,  
AGED ABOUT 24 YEARS  
R/A NO.1336, 16<sup>TH</sup> MAIN, 3<sup>RD</sup> CROSS,  
NISARGA LAYOUT, HARAPANAHALLI,  
JIGANI, BANNERGHATTA,  
BANGALORE-560 083  
REG.NO.18M3322.
- 2 . SRI.V.M.CHETAN  
S/O NAGABHUSHAN  
AGED ABOUT 23 YEARS,  
R/A 226, SARDAR PATEL ROAD  
RAMANAGARA,  
HAGARIBOMMANAHALLI,  
VIJAYANAGARA-583 212  
REG.NO.18M2264.
3. SRI.D.SATWIK  
S/O D.KRISHNA  
AGED 23 YEARS  
R/A G2, SHIVALAYA APARTMENTS,  
4<sup>TH</sup> CROSS, BASAVESHWARA LAYOUT,  
BANGALORE-560 094  
REG NO.18M2452.
4. SYED QUAID IMRAN  
S/O SYED RASHID ALI  
AGED 25 YEARS

R/A H-NO.8-32, NEAR OLD TMC  
OFFICE MAIN ROAD, CHITGUPPA  
DIST BIDAR-585 412  
REG NO.17M4614.

...PETITIONERS

(BY SRI.PRATEEK CHANDRAMOULI, ADVOCATE)

**AND:**

RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
BY ITS REGISTRAR (EVALUATION)  
4<sup>TH</sup> T BLOCK EAST, PATTABHIRAMA NAGAR  
JAYANAGAR, BENGALURU- 560041

...RESPONDENT

(BY SRI.SACHIN B S, ADVOCATE)

THIS WP IS FILED PRAYING TO QUASH THE VALUATION OF THE PRACTICAL ANSWER BOOKLET IN THE SUBJECT MEDICINE IN RESPECT OF THE P-1, 2 AND 3, OF THE EXAMINATIONS OF FEBRUARY 2023, VIDE ANNEX-A, A1 AND A2, AS IT IS ARBITRARY AND INN VIOLATION OF THE JUDGMENTS OF THIS HONBLE HIGH COURT AND ETC.,

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 14.06.2023 COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

The captioned writ petitions are filed by the students feeling aggrieved by the evaluation of practical examination made by the respondent-University.

2. The grievance of the petitioners herein is that they were declared unsuccessful in the practical examination conducted in the month of February, 2023. The petitioners claim that in terms of Regulation 13(2) of the Graduate Medical Education Regulations, 1997, four examiners must independently award marks and use their independent judgment and discretion to evaluate the students. The petitioners have also placed reliance on the judgment rendered in W.P.No.22474/2022, wherein the co-ordinate Bench in identical situation directed the respondents to re-conduct practical exams. Reliance is also placed on the judgment rendered by the Division Bench in W.A.No.615/2020.

3. The petitioners while questioning the manner in which evaluation is done, have contended in the captioned petitions that respondents have not conducted practical exams in a fair manner adhering to the regulations. Placing reliance on the photocopies of the answer sheets, petitioners claim that respondent-University has conspicuously omitted the column for remarks. The cause of action to approach this Court is on the ground that practical exams are conducted arbitrarily and in a very unfair manner which is found to be prejudicial to the interest of the petitioners herein and other medicine students.

4. Learned Senior Counsel reiterating the grounds urged in the writ petitions would vehemently argue and contend that all the four examiners are under bounden duty to make independent assessment and thereafter to enter their respective marks in the answer booklet. Referring to the answer sheets, he would point out that the practical answer book which is now claimed to have been withdrawn by the

respondent-University and the one newly introduced is found to be almost similar except the remarks which was earlier existing is removed, but the requisite condition that each of the examiner has to make an independent assessment of the students and has to assign marks is not dispensed under the new practical answer book. To substantiate the said contention, learned Senior Counsel has taken to the practical answer book produced by the University themselves which is evident from Annexure-R6. On these set of grounds, he would request this Court to issue necessary directions to the respondent-University to re-conduct practical exams strictly adhering to the guidelines issued by the then Medical Council of India (MCI) which is at present National Medical Commission (NMC).

5. Per contra, learned counsel appearing for the respondent-University reiterating the defence set up in the statement of objections would advance his arguments in two folds. Firstly, he would question the very maintainability of

the writ petitions. He would contend that the petitioners are found to be selective as they have not chosen to question the assessment done in respect of those subjects where petitioners have cleared the exams. Therefore, he would contend that the writ petitions are not maintainable. He would contend that the petitioners were very well conversant with the Rules and the methodology that would be adopted by the respondent-University and cannot selectively question the process of conducting examinations only in respect of practical exams on the ground that examiners have not independently assessed and assigned marks. He has also raised objection on the ground that NMC is a necessary party and therefore, there is a deliberate intent on the part of the petitioners in not impleading NMC. Even on this count, he would point out that the present writ petitions are not maintainable.

6. Referring to the statement of objections, learned counsel appearing for the respondents have placed reliance on the following judgments:

1) *Mr. Ramegowda Y. vs. The Registrar (Evaluation), Rajiv Gandhi University of Health Sciences & Others - W.P.No.9758/2020;*

2) *Rajiv Gandhi University of Health Sciences vs. Mr. Ramegowda Y. & Others - W.A.No.615/2020;*

3) *Sri Pradeep Sihag vs. Rajiv Gandhi University, By its Vice Chancellor & Others - W.P.No.15924/2021 & connected cases;*

4) *Sri Abhilash V.J. vs. Rajiv Gandhi University of Health Sciences - W.P.No.21063/2022 and connected cases;*

5) *NTR University of Health Sciences vs. Dr.Yerra Trinadh & Others - AIR 2022 SC 5523;*

6) *Desmond Dominic Rego vs. Rajiv Gandhi University of Health Sciences, Bangalore - AIR 1999 Kar 203;*

7) *Shreem Mittal vs. Central Board of Secondary Education - W.P.(C) No.7183/2020;*

8) *Mr. Dasari Chakradhar S/o Mr. D.G.S.V.Trinadha vs. The Registrar (Evaluation) Rajiv Gandhi University of Health Sciences, Jayanagar, Bengaluru - 2022 Supreme (Kar) 64;*

9) *Dr. B.R. Ambedkar University, Agra vs. Devarsh Nath Gupta & Ors. - Civil Appeal No.1141/2023;*

10) *Rajesh Kumar Verma vs. High Court of Delhi through Registrar General - Writ Petition (Civil) No.207/2013;*

11) *Central Board of Secondary Education and Another vs. Aditya Bandopadhyay and Others - AIR 2011 SCW 4888;*

*12) Bihar Public Service Commission vs. Saiyed Hussain Abbas Rizwi & Another - 2012 0 Supreme (SC) 910.*

7. The short question that arises for consideration is, as to whether the answer booklet relating to practical examination meets the requirement set down by the MCI regulations on medical education. The question that also arises for consideration is, whether four examiners are required to assign independent marks in their respective columns or can assign total marks. The said issue is given a quietus by the co-ordinate Bench judgment rendered in W.P.No.9758/2020. This Court while addressing an identical issue was not inclined to accept the contention raised by the respondent-University. This Court held that the practical exams conducted by the respondent-University should apply MCI regulations which prescribes a set of four examiners. The co-ordinate Bench placing reliance on the regulations/notifications issued by the Apex body held that regulations are mandatory in nature and their violation



renders the practical examination and consequent answer booklet invalid. The said judgment rendered by co-ordinate Bench is confirmed by Division Bench in W.A.No.615/2020. Similar view is taken by the co-ordinate Bench in batch of writ petitions. The said judgment is also placed on record by the learned counsel appearing for the respondent-University. Therefore, now it is a settled principle of law that MCI which is now known as NMC has prescribed a set of four examiners for theory and practicals. It goes without saying that every examiner has to independently assess and assign marks which is lacking in the present batch of petitions. Therefore, it is unfortunate that respondent-University and examiners in gross violation of the findings recorded by co-ordinate Bench are again repeating the same mistakes.

8. The contention of learned counsel appearing for the respondent-University that there is no need for every examiner to assign individual marks in the column in view of

withdrawal of the Circular dated 20.06.2022 is found to be totally misconceived. The contention of respondent-University that the Court has upheld withdrawal of Circular dated 20.10.2020 and therefore, there is no need for the examiners to independently assign marks is also misconceived and is not supported by any precedents.

9. The emergence and evaluation of concept of four examiners was on account of arbitral assessment by the examiners in theory as well as practical exams. The concept of having four examiners gained attention in recent years as a means to enhance accuracy, fairness and reliability of assessments. One of the primary drivers behind the emergence of concept of four examiners is the desire to address subjectivity and bias inherent in single or dual examiner assessment. Recognizing the trend and also based on statistics, the MCI has come out with an Ordinance pressing for four examiners for practical and theory. This was

brought into force to get over the issue of individual evaluators indulging in personal bias. Therefore, the concept of four examiners was introduced to explore more diverse viewpoints to minimize the impact of these biases. The inclusion of four examiners brings about a collective decision-making process, reducing the influence of individual prejudices and enhancing the overall fairness of practical and theory examinations.

10. In practical examinations also, the MCI thought of having four examiners so as to evaluate students the real world skills and competencies. The Apex body was also of the view that single or dual examiner assessment may not capture the full spectrum of a student's performance. By involving four examiners with diverse expertise, a more comprehensive evaluation was sought to be achieved. Each examiner brings his unique knowledge and experience, allowing for a broader assessment that encompasses different dimensions of practical

proficiency. By having four examiners, the Apex body thought that the students abilities are thoroughly evaluated and recognized.

11. The concept of four examiners fosters collaboration among professionals in the field. The inclusion of multiple experts in the evaluation process encourages the exchange of ideas, methodologies, and best practices. The collaboration stimulates professional growth and development among the examiners themselves, as they learn from one another and gain insights into different approaches to practical assessments. This continuous improvement contributes to the evolution and refinement of the concept itself.

12. On meticulous examination of the mark sheet of practicals in all these batch of petitions, this Court has noticed a very disturbed trend, more particularly, the manner in which the respondent-University is conducting theory and practical exams without adhering to the standards prescribed by the

MCI which is the Apex body. The instructions to the examiners appointed for the conduction of practicals/clinical and the directions issued by this Court are blatantly violated by the respondent-University. If the guidelines of the Apex body clearly prescribes four set of examiners, then the respondent-University and its examiners have to follow the directions with all vigor and spirit. The examiners appointed for the conduct of practical exams have to ensure that marks are awarded in the answer scripts and the marks have to be entered in the freeze sheet and answer scripts in the column provided. Each of the examiner has to assign marks independently which clearly gives an indication that each examiner has evaluated the performance from their own perspective, highlighting different strengths and areas for improvement. This multidimensional feedback enables students to gain a more holistic understanding of their performance, allowing them to identify their strengths and work on any weaknesses effectively. If each of the examiner

assigns independent marks, this increases reliability as well as confidence in the assessment outcomes and ensures that students performances are accurately represented.

13. In W.P.No.8655/2023, the examiners have not even assigned marks and a dash mark (-) is used. The very purpose for which four examiners are prescribed and its objects are blatantly violated by the examiners and even by the respondent-University. Though the respondent-University claims that Circular dated 20.10.2020 which mandates examiners to award independent marks and also marks for short case and long case is withdrawn, the withdrawal of the Circular dated 20.10.2020 is of no consequence and will not come to the aid of the respondent-University.

14. The Indian Medical Council Act which is found to be relatable to Entry 66 of List I admittedly prevails over any State enactment regulations framed by the Apex body with previous sanction of the Central Government are statutory.

These regulations are framed to carry out the purposes of Apex body i.e., MCI Act now known as NMC. Therefore, the Universities and examiners are bound by the regulations and theory and practical exams are to be conducted by the University in strict adherence to these regulations. Therefore, the writ petitions are bound to succeed and the practical exams conducted by the respondent-University not being strictly in consonance with the procedure prescribed by the MCI, interference is warranted at the hands of this Court.

15. For the foregoing reasons, I pass the following:

ORDER

- (i) The writ petitions are allowed;
- (ii) The marks awarded to the petitioners in the practical exam vide 'Practical Answer Booklet' issued by the respondent-University is declared as null and void and is hereby quashed;
- (iii) The respondent-University is hereby directed to re-conduct practical/clinical exam in respect of daughter of the petitioner in

W.P.No.7019/2023 and in respect of other petitioners in terms of Regulation 13 of the Graduate Medical Education Regulations, 1997, notified by the Medical Council of India irrespective of ensuing supplementary exams.

(iv) The respondent-University is also directed to fix the schedule for practical exams before the ensuing supplementary exams;

(v) It is needless to say that, in the event, the petitioners succeed in the practical exams, results relating to theory appear has to be announced afresh before the ensuing supplementary exams;

(vi) The pending interlocutory application, if any, does not survive for consideration and stands disposed of.

Sd/-  
JUDGE