HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY,THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 195 OF 2025

Writ Appeal under clause 15 of the Letters Patent Petition Preferred Against the Order Dated 05/02/2025Passed in W.P.No1031 of 2025 on the file of the High Court.

Between:

Mogili Kinnera, D/o. Dr. M. Suresh Kumar, Age about 22 years, Occ Medical Student, R/o. 2-2-22/4/1, Indra Heights, Flat No.101, DD Colony, Amberpet Hyderabad

...APPELLANT

AND

1. The State of Telangana, Rep. by its Principal Secretary, Medical and Health Department, Dr. B.R. Ambedkar Secretariat Buildings, Saifabad. Hyderabad
2. The Kaloji Narayana Rao University, of Health Ex Sciences Warangal, Represented by its Vice Chanceor/Registrar
3. The Controller of Examinations, Kaloji Narayana Rao University of Health & Sciences, Warangal

...RESPONDENTS

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue a direction, directing the Respondents No. 2 and 3 to re-evaluate and reconsider the Petitioners 1st year MBBS Human Anatomy Paper I & Answer Scripts vide its Hall Tic- e No.2301053075 (Instant Exams conducted in the November Month, 2024 in the presence of a Senior Medical Officer (SMO) along with the Petitioner pending disposal of the above WA in the interest of justice.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order passed in W.P.No.1031 of 2025, Dt 05.02.2025 passed by the Learned Single Judge pending disposal of the above WA in the interest of justice.

Counsel for the Appellant: SRI. BANKATLAL MANDHANI

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

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

The Court made the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.195 of 2025

JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Sri Bankatlal Mandhani, learned counsel for the appellant; Sri R.Nagarjuna Reddy, learned Assistant Government Pleader for Health, Medical and Family Welfare Department, for respondent No.1; and Sri T.Sharath, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences (hereinafter referred to as, "the University"), for respondents No.2 and 3.

2. With the consent, finally heard.

3. The challenge in this writ appeal is mounted to the order passed by the learned Single Judge in W.P.No.1031 of 2025, dated 05.02.2025.

4. The appellant (writ petitioner) approached the writ Court with a prayer to issue a writ of mandamus declaring the action of respondent No.2 in not correctly revaluating her marks awarded

in Human Anatomy (Paper I and II) in the First Year MBBS Supplementary Examinations held in November, 2024.

5. Learned counsel for the appellant submits that a plain reading of the marks given to the appellant by the first evaluator and the second evaluator in Human Anatomy (Paper II) will show that there is a vast difference in the evaluation. A reference is made to the following marks:

B. HUMAN ANATOMY PAPER-II

Evaluation-1	Evaluation-2
11)8/15	11)1.5/15
12)9/15	12)1.5/15

6. Considering this discrepancy, which is enormous in nature, the aforesaid writ petition was filed.

7. It is argued that, in the counter affidavit, it was not disclosed that any third evaluator has examined the answer sheets and given any other set of marks. The learned Single Judge considered the record and passed the impugned order, which runs contrary to the judgment of the Supreme Court in **Sanjay Singh v.**

U.P.Public Service Commission, Allahabad[1]. The third evaluator has given random marks instead of revaluating each answer of the appellant.

8. Sounding a contra note, learned Standing Counsel for the University has produced the minutes of the meeting of Board of Studies of Common MBBS held on 22.01.2020 and placed heavy reliance on Clause VII, which is reproduced thus:

> "VII. INTRODUCTION OF SCHEME OF EVALUATION –
>
> *Approved*
>
> - *It is resolved that Digital valuation of the question papers is approved. Double valuation is mandatory. Discrepancy in two valuations of more than 15% is sent for third valuation. If no discrepancy then the average marks obtained in double valuation is taken as final. In case of more than 15% variation the third evaluator's mark nearer to the original evaluator is taken into consideration and an average of the original and the third evaluations is done.*
>
> ***Average of Three valuations is to be taken. It is approved by the Members of Common MBBS BOS.***
>
> - ***All the Examiners of deputed for Digital evaluation can discuss and set guidelines for that subject for valuation before start of evaluation at digital valuation centre."***

9. On this strength, it is submitted that the third evaluator, in accordance with this decision, evaluated the answer sheets in

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[1] (2007) 3 SCC 720

question and gave the marks to the appellant. The average of marks given by the first and third evaluators became the ultimate marks.

10. The parties have confined their arguments to the extent indicated above and no other point is pressed.

11. We have heard the parties at length and perused the record.

12. The learned Single Judge, in the impugned order, has recorded as under:

> "34. It is relevant to note that considering the said submissions this Court directed 2nd and 3rd respondents to produce the said answer sheets. They have produced the aforesaid answer sheets in a sealed covers. This Court perused the same. There is no discrepancy and procedural lapses. However, this Court cannot come to a conclusion and give a finding that evaluators did not awarded marks properly.
>
> 35. At the cost of repetition, as discussed supra, in Human Anatomy Subject Paper-II the difference between the marks awarded by 1st and 2nd evaluator is 14. Therefore, the same was evaluated by 3rd evaluator, who awarded 23.5 marks out of 100 marks, which was rounded off to 24 marks. The average is 30 out of 100 marks. Therefore, the petitioner cannot allege that there is violation of procedure and that there are discrepancies in the answer scripts. Petitioner also cannot allege that evaluators did not apply their mind while assessing the marks. As discussed supra, evaluation is a skilled job and it requires expertise. It is the specific contention of respondent No.2 that they are evaluating the answer scripts digitally and none of the examiners will be aware of the identity of the students whose answer scripts is being evaluated.

> 36. In the light of the aforesaid discussion, the present case of the petitioner is not a rear or exceptional case to order for re-evaluation in her presence and in the presence of a senior Medical Officer as sought by the petitioner. Therefore, she is not entitled for any relief much less the relief sought in the present writ and it is liable to be dismissed.
>
> 37. Accordingly, this Wirt Petition is dismissed. There shall be no order as to costs.
>
> 38. Registry is directed to return the answer scripts to Sri T. Sharath, learned Standing Counsel appearing for respondent Nos.2 and 3 in a sealed cover under due acknowledgement."

13. A plain reading of the aforesaid finding of the learned Single Judge shows that the answer sheets were produced in a sealed cover before the learned Single Judge, who has perused the same and opined that the third evaluator granted certain marks to the appellant. Thus, it cannot be doubted that the third evaluator has undertaken the said exercise. Apart from making a bald allegation in the writ appeal that the third evaluator has done it on random basis and not actually revaluated the answer sheets, there is no material to substantiate the same.

14. The evaluation of answer sheets is in the domain of experts. This Court cannot sit as an appellate authority or an expert to take a different view. The learned Single Judge has given a finding

that there is no flaw in the decision making process. We find substance in the said finding if tested on the anvil of Clause VII of the minutes of the meeting of Board of Studies of Common MBBS held on 22.01.2020 reproduced hereinabove.

15. In the absence of any flaw in the decision making process and the decision which is in consonance with the minutes of the meeting of Board of Studies of Common MBBS held on 22.01.2020, no interference is warranted.

16. So far the judgment of the Supreme Court in **Sanjay Singh** (supra) is concerned, it deals with the aspect of "examiner variability". The Supreme Court opined that some procedure should be adopted to reduce "examiner subjectivity" or "examiner variability". The respondents have adopted such method of decision, dated 22.01.2020, and pursuant to that, the third evaluator gave the marks to the appellant. Thus, no fault can be found in the impugned order.

17. The writ appeal fails and is hereby **dismissed.** No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-I. NAGA LAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

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

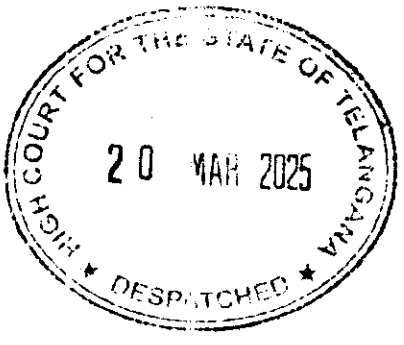
KKS
BS

HIGH COURT

DATED:27/02/2025

JUDGMENT

WA.No.195 of 2025



DISMISSING THE WRIT PETITION WITHOUT COSTS

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S.B
17/3/25