R

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 8912 OF 2024 (EDN-RES)
C/W
WRIT PETITION NO. 1916 OF 2024 (EDN-RES)
WRIT PETITION NO. 8989 OF 2024 (EDN-RES)
WRIT PETITION NO. 9017 OF 2024 (EDN-RES)
WRIT PETITION NO. 9029 OF 2024 (EDN-RES)
WRIT PETITION NO. 9094 OF 2024 (EDN-RES)
WRIT PETITION NO. 9228 OF 2024 (EDN-RES)
WRIT PETITION NO. 9333 OF 2024 (EDN-RES)
WRIT PETITION NO. 9357 OF 2024 (EDN-RES)
WRIT PETITION NO. 9412 OF 2024 (EDN-RES)
WRIT PETITION NO. 9459 OF 2024 (EDN-RES)
WRIT PETITION NO. 9462 OF 2024 (EDN-RES)
WRIT PETITION NO. 9716 OF 2024 (EDN-RES)
WRIT PETITION NO. 9718 OF 2024 (EDN-RES)
WRIT PETITION NO. 9722 OF 2024 (EDN-RES)
WRIT PETITION NO. 9975 OF 2024 (EDN-RES)
WRIT PETITION NO. 10509 OF 2024 (EDN-RES)
WRIT PETITION NO. 11801 OF 2024 (EDN-RES)
WRIT PETITION NO. 11844 OF 2024 (EDN-RES)
WRIT PETITION NO. 14344 OF 2024 (EDN-RES)

IN W.P. No. 8912/2024

BETWEEN:

1. MR. ABIN THOMAS SEBASTIAN
   S/O DR. SEBASTIAN T.T.
   AGE 21 YEARS
   UNI REG NO 22M1083,
   R/O ST JOHN'S MEDICAL COLLEGE,
   BOYS HOSTEL ROOM NO 211,
   B BLOCK,
   KORAMANGALA JOHN NAGAR,
   BENGALURU - 560 034

… 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
   RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES,
   4TH T BLOCK JAYANAGAR,
   BENGALURU - 560 041

3. NATIONAL MEDICAL COMMISSION
   POCKET-14, SECTOR 8, DWARKA PHASE-I,
   NEW DELHI - 110 077
   REP. BY ITS SECRETARY

… RESPONDENTS

(BY SRI. MADHUSUDHAN R NAIK, SENIOR ADVOCATE A/W SMT. FARAH FATHIMA., ADVOCATE FOR R1 AND R2;
SRI N. KHETTY, ADVOCATE FOR R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO i) DIRECT THE RESPONDENT UNIVERSITY TO AWARD MAXIMUM OF 5 GRACE MARKS IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 UNDERTAKEN BY THE PETITIONER AND TO CONSEQUENTLY DECLARE THE PETITIONER AS HAVING PASSED IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 OR IN THE ALTERNATIVE AND ETC.

IN W. P. NO.1916 OF 2024

BETWEEN:

1. DINESH REDDY
   S/O VEERENDRA REDDY
   AGED 24 YEARS,
   R/AT NO.8-9-386/A,
   GURUNANAK COLONY,
   BEHIND NEWTOWN POLICE STATION,
   BIDAR – 562 101.

2. ARJUN L
   S/O LAKSHMINARASIMHAIAH N
   AGED 23 YEARS,
   R/AT. NO.1380, SOUBHAGYA NILAYA
   WARD NO.5, DINNEHOSAHALLI ROAD,
   PRASHANTH NAGAR,
   CHIKKABALLAPUR – 562 101.

3. VISHRUTHI ACHAR M
   D/O MAHESH KUMAR M.,
   AGED 23 YEARS,
   R/AT. # 9/14, 6TH MAIN ROAD,
   SREEKANTESHWARA NAGAR,
   BANGALORE – 560 096.

… PETITIONERS

(BY SRI. PRADEEP PATIL, ADVOCATE)

AND:

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

2. NATIONAL MEDICAL COMMISSION,
(PREVIOUSLY MEDICAL COUNCIL OF INDIA)
POCKET-14, SECTOR-8,
DWARKA PHASE-1,
NEW DELHI – 110 077.
REP. BY ITS CHAIRMAN.

… RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1;
SRI N.KHETTY, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR PHOTOCOPIES OF ANSWER BOOKS AND DIGITAL VALUATION SLIPS OF THE PETITIONER NO.1 AND THE PETITIONER NO.3 AND ISSUE A WRIT ORDER OR DIRECTION IN THE NATURE OF MANDAMUS TO THE RESPONDENT TO SEND THE ANSWER SCRIPTS TO THE ONE MORE VALUATOR FOR THE REVALUATION AND ANNOUNCE THE RESULTS BY CONSIDERING THE BEST MARKS AS AWARDED BY THE EXAMINERS AND ETC.

IN W.P. NO.8989 OF 2024

BETWEEN:

MS. NAYANA GOWDA M.,
D/O MR. MAYE GOWDA,
AGE: 20 YEARS,
UNI. REG. NO.22M4607,
R/O NO.51, MAYAMMA NILAYA,

1ST MAIN, 1ST CROSS,
PILLANNA LAYOUT,
BENGALURU – 560 073.

… 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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR-8,
DWARKA PHASE-1,
NEW DELHI – 110 077.
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 AND R2;
SRI. N.KHETTY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION, DIRECTING THE RESPONDENT UNIVERSITY TO AWARD MAXIMUM OF 5 GRACE MARKS IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 UNDERTAKEN BY THE PETITIONER AND TO CONSEQUENTLY DECLARE THE PETITIONER AS HAVING PASSED IN THE MBBS (RS4)

EXAMINATIONS OF JANUARY 2024; OR IN THE ALTERNATIVE AND ETC.

IN W.P. NO.9017 OF 2024

BETWEEN:

MS. APURVA
D/O MR. AMARANATH T,
AGE: 25 YEARS,
UNI. REG. NO.22M5039,
R/O NO.13, APOORVA HOSPITAL,
HESARGHATTA MAIN ROAD,
CHIKKABANAVARA,
BENGALURU – 560 090.

…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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR-8,
DWARKA PHASE-1,
NEW DELHI – 110 077.
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. SADHANA S. DESAI, ADVOCATE FOR R1 AND R2;
SRI. N.KHETTY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION, DIRECTING THE RESPONDENT UNIVERSITY TO AWARD MAXIMUM OF 5 GRACE MARKS IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 UNDERTAKEN BY THE PETITIONER AND TO CONSEQUENTLY DECLARE THE PETITIONER AS HAVING PASSED IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 AND ETC.

IN W.P. NO.9029 OF 2024

BETWEEN:

MR. GADDAM MATHEW VIJAYARANGAM,
S/O MR. GADDAM MATHEW SRIRANGAM,
AGED: 19 YEARS,
UNI. REG. NO.22M1139,
R/O ST. JOHN'S MEDICAL COLLEGE,
BOYS HOSTEL, ROOM NO.211, B BLOCK
KORAMANGALA, JOHN NAGAR,
BENGALURU – 560 034.

…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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR-8,
DWARKA PHASE-1,
NEW DELHI – 110 077.
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 AND R2;
SRI. N.KHETTY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION, DIRECTING THE RESPONDENT UNIVERSITY TO AWARD MAXIMUM OF 5 GRACE MARKS IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 UNDERTAKEN BY THE PETITIONER AND TO CONSEQUENTLY DECLARE THE PETITIONER AS HAVING PASSED IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 AND ETC.

IN W.P. NO.9094 OF 2024

BETWEEN:

MS. BHOOMIKA R. GOWDA
D/O MR. R.RAMEGOWDA,
AGED: 21 YEARS,
UNI. REG. NO.21M7517,
R/O NO.47, ANJANDRI NILAYA,
5TH CROSS, NGF LAYOUT,

NAGARBHAVI, 14TH BLOCK,
BENGALURU – 560 072.

…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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR-8,
DWARKA PHASE-1,
NEW DELHI – 110 077.
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 AND R2;
SRI. N.KHETTY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, QUASHING THE IMPUGNED ORDINANCE / NOTIFICATION GOVERNING CENTRAL ASSESSMENT PROGRAMME (CAP) FOR THEORY PAPER ASSESSMENT OF ALL UNDER GRADUATE HEALTH SCIENCE COURSES OF UNIVERSITY DATED 05.09.2022 WITH NO.RGU/AUTH/24TH CON/SYND/04/2022-23 PASSED BY THE RESPONDENT NO.2 UNIVERSITY VIDE ANNEXURE-E; SOLELY

ON THE GROUND OF NON-APPLICATION OF MIND REGARDING THE CONDUCT OF DEVIATION VALUATION IN TERMS OF THE DIRECTION ISSUED BY THIS HON'BLE COURT AS PER ORDER DATED 07.10.2021 PASSED IN W.P. NO.13626/2021 AND CONNECTED CASES VIDE ANNEXURE-B AND ETC.

IN W.P. NO.9228 OF 2024

BETWEEN:

MR. ISHAAN G.S.,
S/O DR. SRINIVAS G.A.,
AGED: 21 YEARS,
UNI. REG. NO.22M4556,
R/O NO.158/C, 4TH MAIN,
3RD STAGE, 3RD BLOCK,
BASAWESHWARANAGARA,
BENGALURU – 560 079.

…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,
   RAJIV GANDHI UNIVERSITY OF
   HEALTH SCIENCES,
   4TH 'T' BLOCK, JAYANAGAR,
   BENGALURU – 560 041.

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

NEW DELHI – 110 077.
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 AND R2;
SRI. N.KHETTY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, QUASHING THE IMPUGNED ORDINANCE / NOTIFICATION GOVERNING CENTRAL ASSESSMENT PROGRAMME (CAP) FOR THEORY PAPER ASSESSMENT OF ALL UNDER GRADUATE HEALTH SCIENCE COURSES OF UNIVERSITY DATED 05.09.2022 WITH NO.RGU/AUTH/24TH CON/SYND/04/2022-23 PASSED BY THE RESPONDENT NO.2 UNIVERSITY VIDE ANNEXURE-E; SOLELY ON THE GROUND OF NON-APPLICATION OF MIND REGARDING THE CONDUCT OF DEVIATION VALUATION IN TERMS OF THE DIRECTION ISSUED BY THIS HON'BLE COURT AS PER ORDER DATED 07.10.2021 PASSED IN W.P. NO.13626/2021 AND CONNECTED CASES VIDE ANNEXURE-B AND ETC.

IN W.P. NO.9333 OF 2024

BETWEEN:

MR. MODI RUTUL NARENDRAKUMAR,
S/O MR. NARENDRA A. MODI,
AGED: 22 YEARS,
UNI. REG. NO.20M5205,
R/O A-20, AKSHATAM 1 BUNGLOWS,
NEAR UPASANA SCHOOL,
AKESHAN ROAD, PALANPUR,
GUJARAT – 385 001.

…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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR-8,
DWARKA PHASE-1,
NEW DELHI – 110 077.
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 AND R2;
SRI. N.KHETTY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, QUASHING THE IMPUGNED ORDINANCE / NOTIFICATION GOVERNING CENTRAL ASSESSMENT PROGRAMME (CAP) FOR THEORY PAPER ASSESSMENT OF ALL UNDER GRADUATE HEALTH SCIENCE COURSES OF UNIVERSITY DATED 05.09.2022 WITH NO.RGU/AUTH/24TH CON/SYND/04/2022-23 PASSED BY THE RESPONDENT NO.2 UNIVERSITY VIDE ANNEXURE-E; SOLELY ON THE GROUND OF NON-APPLICATION OF MIND REGARDING THE CONDUCT OF DEVIATION VALUATION IN TERMS OF THE DIRECTION ISSUED BY THIS HON'BLE COURT AS PER ORDER DATED 07.10.2021 PASSED IN W.P. NO.13626/2021 AND CONNECTED CASES VIDE ANNEXURE-B AND ETC.

IN W.P. NO.9357 OF 2024

BETWEEN:

MR. ANINDH ACHAL,
S/O MR. ACHAL KUMAR SINHA,
AGED: 20 YEARS,
UNI. REG. NO.22M0526,
R/O NO.602, SHAILAJA TOWER,
KANKARBAGH MAIN ROAD,
SAMPATCHAK, PATNA, BIHAR – 800 020.

…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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR-8,
DWARKA PHASE-1,
NEW DELHI – 110 077.
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 AND R2;
SRI. N.KHETTY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION, DIRECTING THE RESPONDENT UNIVERSITY TO AWARD MAXIMUM OF 5 GRACE MARKS IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 UNDERTAKEN BY THE PETITIONER AND TO CONSEQUENTLY DECLARE THE PETITIONER AS HAVING PASSED IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 AND ETC.

IN W.P. NO.9412 OF 2024

BETWEEN:

1. DEEKSHA V. JANNU,
   D/O VASANTH JANNU,
   AGED 21 YEARS,
   1ST YEAR MBBS STUDENTS,
   JJM MEDICAL COLLEGE,
   DAVANAGERE
   R/A SHARAVATHI WOMEN'S HOSTEL,
   MCC 'B' BLOCK, DAVANAGERE.

2. SACHIN KUMAR R.
   S/O RAVIKUMAR N.,
   AGED 21 YEARS,
   1ST YEAR MBBS STUDENTS,
   JJM MEDICAL COLLEGE,
   DAVANAGERE
   R/A NISARGA NILAYA,
   BANASHANKARI LAYOUT,
   DAVANAGERE.

3. REKHA
   D/O CHANDRASHEKHAR REDDY,
   AGED 21 YEARS,
   1ST YEAR MBBS STUDENTS,
   JJM MEDICAL COLLEGE,
   DAVANAGERE

R/A PLOT NO.104, UNNATI NIVAS,
OZA LAYOUT, KALABURAGI – 585 102.

4. DHRITI SONAM,
D/O KUMAR SHEKHAR,
AGED 21 YEARS,
1ST YEAR MBBS STUDENTS,
JJM MEDICAL COLLEGE,
DAVANAGERE
R/A MCC 'B' BLOCK
KAVERI WOMEN'S HOSTEL,
JJMMC DAVANAGERE – 577 004.

…PETITIONERS

(BY SRI. SHRIDHAR NARAYAN HEGDE, ADVOCATE)

AND:

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

2. THE REGISTRAR (EVALUATION),
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
REPRESENTED BY ITS VICE CHANCELLOR,
4TH 'T' BLOCK, EAST,
PATTABHIRAMANAGAR,
JAYANAGAR, BENGALURU – 560 041.

3. THE JJM MEDICAL COLLEGE
REPRESENTED BY ITS PRINCIPAL,
DAVANAGERE – 577 401.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SRI. B.S.SACHIN, ADVOCATE FOR R1 AND R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT BY DIRECTING THE RESPONDENTS TO RE-VERIFY / REVALUATE THE ANSWER PAPER OF THE PETITIONERS AND RE-ALLOT THE MARKS IN RESPECT OF THE FAILED SUBJECT OF THE PETITIONERS AND ISSUE A WRIT OF MANDAMUS OR DIRECTION, DIRECTING THE RESPONDENTS TO ALLOW THE PETITIONERS TO ATTEND THE 2ND YEAR MBBS CLASSES IN THEIR RESPECTIVE COLLEGE AND ETC.

IN W.P. NO.9459 OF 2024

BETWEEN:

MS. LIKITHA SAANVI SOMISETTY,
D/O DR. S. VENKATA KRISHNAIAH,
AGED: 19 YEARS,
UNI. REG. NO.22M0562,
R/O RATHNA HOSPITAL,
NEAR COURT,
KARANJI EXTENSION,
MALUR, KOLAR – 563 130.

…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,
   RAJIV GANDHI UNIVERSITY OF
   HEALTH SCIENCES,

4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 AND R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, QUASHING THE IMPUGNED ORDINANCE / NOTIFICATION GOVERNING CENTRAL ASSESSMENT PROGRAMME (CAP) FOR THEORY PAPER ASSESSMENT OF ALL UNDER GRADUATE HEALTH SCIENCE COURSES OF UNIVERSITY DATED 05.09.2022 WITH NO.RGU/AUTH/24TH CON/SYND/04/2022-23 PASSED BY THE RESPONDENT NO.2 UNIVERSITY VIDE ANNEXURE-E; SOLELY ON THE GROUND OF NON-APPLICATION OF MIND REGARDING THE CONDUCT OF DEVIATION VALUATION IN TERMS OF THE DIRECTION ISSUED BY THIS HON'BLE COURT AS PER ORDER DATED 07.10.2021 PASSED IN W.P. NO.13626/2021 AND CONNECTED CASES VIDE ANNEXURE-B AND ETC.

IN W.P. NO.9462 OF 2024

BETWEEN:

MR. BHUVAN K.R.,
S/O MR. RAJA SHANKAR K.,
AGE: 19 YEARS,
UNI. REG. NO.22M4511,
R/O NO.57, PANKAJA NILAYA,
2ND MAIN, BELMAR LAYOUT,
RUKMINI NAGAR,
NAGASANDRA,
BENGALURU – 560 073.

…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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR-8,
DWARKA PHASE-1,
NEW DELHI – 110 077.
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 AND R2;
SRI. N.KHETTY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, QUASHING THE IMPUGNED ORDINANCE / NOTIFICATION GOVERNING CENTRAL ASSESSMENT PROGRAMME (CAP) FOR THEORY PAPER ASSESSMENT OF ALL UNDER GRADUATE HEALTH SCIENCE COURSES OF UNIVERSITY DATED 05.09.2022 WITH NO.RGU/AUTH/24TH CON/SYND/04/2022-23 PASSED BY THE RESPONDENT NO.2 UNIVERSITY VIDE ANNEXURE-E; SOLELY ON THE GROUND OF NON-APPLICATION OF MIND REGARDING THE CONDUCT OF DEVIATION VALUATION IN TERMS OF THE DIRECTION ISSUED BY THIS HON'BLE COURT AS PER ORDER DATED 07.10.2021 PASSED IN W.P. NO.13626/2021 AND CONNECTED CASES VIDE ANNEXURE-B AND ETC.

IN W.P. NO.9716 OF 2024

BETWEEN:

MR. LIKITHA T.S.,
D/O MR. SATISH T.B.,
AGE: 20 YEARS,
UNI. REG. NO.22M3956,
R/O NO.222, 6TH MAIN,
OPP OXFORD SCHOOL,
NAGARABHAVI,
BENGALURU – 560 072.

…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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR-8,
DWARKA PHASE,
NEW DELHI – 110 077.
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. SADHANA S. DESAI, ADVOCATE FOR R1 AND R2;
SRI. N.KHETTY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, QUASHING THE IMPUGNED ORDINANCE / NOTIFICATION GOVERNING CENTRAL ASSESSMENT PROGRAMME (CAP) FOR THEORY PAPER ASSESSMENT OF ALL UNDER GRADUATE HEALTH SCIENCE COURSES OF UNIVERSITY DATED 05.09.2022 WITH NO.RGU/AUTH/24TH CON/SYND/04/2022-23 PASSED BY THE RESPONDENT NO.2 REGISTRAR VIDE ANNEXURE-E; SOLELY ON THE GROUND OF NON-APPLICATION OF MIND REGARDING THE CONDUCT OF DEVIATION VALUATION IN TERMS OF THE DIRECTION ISSUED BY THIS HON'BLE COURT AS PER ORDER DATED 07.10.2021 PASSED IN W.P. NO.13626/2021 AND CONNECTED CASES VIDE ANNEXURE-B AND ETC.

IN W.P. NO.9718 OF 2024

BETWEEN:

MR. OJAS N.S.,
S/O MR. SUNDARESH N.S.,
AGE: 21 YEARS,
UNI. REG. NO.22M3981,
R/AT: NEAR SWAMY VIVEKANANDA
SCHOOL, BANASHANKRI LAYOUT,
DAVANAGERE – 577 005.

…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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR-8,
DWARKA PHASE-1,
NEW DELHI – 110 077.
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. SADHANA S. DESAI, ADVOCATE FOR R1 AND R2;
SRI. N.KHETTY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, QUASHING THE IMPUGNED ORDINANCE / NOTIFICATION GOVERNING CENTRAL ASSESSMENT PROGRAMME (CAP) FOR THEORY PAPER ASSESSMENT OF ALL UNDER GRADUATE HEALTH SCIENCE COURSES OF UNIVERSITY DATED 05.09.2022 WITH NO.RGU/AUTH/24TH CON/SYND/04/2022-23 PASSED BY THE RESPONDENT NO.2 REGISTRAR VIDE ANNEXURE-E; SOLELY ON THE GROUND OF NON-APPLICATION OF MIND REGARDING THE CONDUCT OF DEVIATION VALUATION IN TERMS OF THE DIRECTION ISSUED BY THIS HON'BLE COURT AS PER ORDER DATED 07.10.2021 PASSED IN W.P. NO.13626/2021 AND CONNECTED CASES VIDE ANNEXURE-B AND ETC.

IN W.P. NO.9722 OF 2024

BETWEEN:

MR. MANISH C. MOOLER
S/O MR. CHANDRUSHEKAR M.M.,
AGE: 21 YEARS,

UNI. REG. NO.22M4202,
STUDYING AT : S.S. INSTITUTE OF MEDICAL
SCIENCES AND RESEARCH CENTRE
DAVANAGERE – 577 005.

…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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR-8,
DWARKA PHASE,
NEW DELHI – 110 077.
REP. BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. SADHANA S. DESAI, ADVOCATE FOR R1 AND R2;
SRI. N.KHETTY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, QUASHING THE IMPUGNED ORDINANCE / NOTIFICATION GOVERNING CENTRAL ASSESSMENT PROGRAMME (CAP) FOR THEORY PAPER ASSESSMENT OF ALL UNDER GRADUATE HEALTH SCIENCE COURSES OF UNIVERSITY DATED 05.09.2022 WITH

NO.RGU/AUTH/24TH CON/SYND/04/2022-23 PASSED BY THE RESPONDENT NO.2 REGISTRAR VIDE ANNEXURE-E; SOLELY ON THE GROUND OF NON-APPLICATION OF MIND REGARDING THE CONDUCT OF DEVIATION VALUATION IN TERMS OF THE DIRECTION ISSUED BY THIS HON'BLE COURT AS PER ORDER DATED 07.10.2021 PASSED IN W.P. NO.13626/2021 AND CONNECTED CASES VIDE ANNEXURE-B AND ETC.

IN W. P. NO.9975 OF 2024

BETWEEN:

MISS. TANMAI ARAVIND NIRNA,
D/O SRI ARAVIND NIRNA,
AGED ABOUT : 21 YEARS,
FLAT NO.410/4A,
RAJ NILAYA, JAYANAGAR
2ND BLOCK,
BENGALURU – 560 011.

… PETITIONER

(BY SMT. VAISHALI HEGDE, ADVOCATE)

AND:

1. RAJIV GANDHI UNIVERSITY OF
   HEALTH SCIENCES,
   REPRESENTED BY ITS REGISTRAR
   4TH T BLOCK, JAYANAGAR
   BENGALURU – 560 041.

2. S.NIJALINGAPPA MEDICAL COLLEGE
   AND HSK HOSPITAL AND
   RESEARCH CENTRE,
   REPRESENTED BY DEAN / PRINCIPAL,
   NAVANAGAR, BAGALKOT – 587 103.

… RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1;

NOTICE TO R2 IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS OR SUCH OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION DIRECTING THE 1ST RESPONDENT TO AWARD 2 GRACE MARKS TO THE PETITIONER IN THE SUBJECT OF PHYSIOLOGY BY CONSIDERING THE REPRESENTATION DATED 05.03.2024 SUBMITTED BY THE PETITIONER VIDE ANNEXURE-D AND THE REPRESENTATION DATED 29.03.2024 SUBMITTED BY THE PETITIONER VIDE ANNEXURE-F IN TERMS OF THE REGULATION 11.2.9 (I) OF THE REGULATIONS ON GRADUATE MEDICAL EDUCATION (AMENDMENT), 2019 IN THE INTEREST OF JUSTICE AND EQUITY.

IN W. P. NO.10509 OF 2024

BETWEEN:

SHIVAPRASAD B.H.M.,
S/O M.VEERAIAH
AGED ABOUT 23 YEARS,
1ST YEAR MBBS STUDENTS,
S.S. INSTITUTE OF MEDICAL
SCIENCES RESEARCH CENTRE,
DAVANAGERE

R/A HIGHTECH HOSPITAL ROAD,
BHUMIKA NAGAR, IIND MAIN,
DAVANAGERE.

... PETITIONER

(BY SRI. SHRIDHAR NARAYAN HEGDE, ADVOCATE)

AND:

1. RAJIV GANDHI UNIVERSITY OF
   HEALTH SCIENCES,
   REPRESENTED BY ITS VICE CHANCELLOR.
   4TH T BLOCK, EAST,

PATTABHIRAMANAGAR,
JAYANAGAR, BENGALURU – 560 041.

2. THE REGISTRAR (EVALUATION),
RAJIV GANDHI UNIVERSITY
OF HEALTH SCIENCES,
REPRESENTED BY ITS VICE-CHANCELLOR,
4TH BLOCK, EAST, PATTABHIRAMANAGAR,
JAYANAGAR, BENGALURU – 560 041.

3. THE S.S. INSTITUTE OF MEDICAL
SCIENCES AND RESEARCH CENTRE,
REPRESENTED BY ITS PRINCIPAL,
DAVANAGERE – 577 301.

… RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF ORDER OR DIRECTION IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT BY DIRECTING THE RESPONDENTS TO RE-VERIFY / REVALUATE THE ANSWER PAPER OF THE PETITIONERS AND RE-ALLOT THE MARKS IN RESPECT OF THE FAILED SUBJECT OF THE PETITIONER I.E., BIOCHEMISTRY SUBJECT AND ISSUE A WRIT OF MANDAMUS OR DIRECTION, DIRECTING THE RESPONDENTS TO ALLOW THE PETITIONER TO ATTEND THE 2ND YEAR MBBS CLASSES IN HIS RESPECTIVE COLLEGE AND ETC.

IN W. P. NO.11801 OF 2024

BETWEEN:

MS. SAMADRITA MUKHOPADHYAY,
D/O DR. CHIRANJAY MUKHOPADHYAY,
AGE: 23 YEARS,
UNI. REG. NO.20M2499,
R/O : A-147, KMC CAMPUS,

MADHAV NAGAR, MANIPAL,
UDUPI – 576 104.

…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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 AND R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION, DIRECTING THE RESPONDENT UNIVERSITY TO AWARD MAXIMUM OF 5 GRACE MARKS IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 UNDERTAKEN BY THE PETITIONER AND TO CONSEQUENTLY DECLARE THE PETITIONER AS HAVING PASSED IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 AND ETC.

IN W.P. NO.11844 OF 2024

BETWEEN:

MS. SHAIK MOHAMMED AFNAN
S/O MR. KHALEEL SAB,

AGE: 23 YEARS,
UNI. REG. NO.20M5160,
R/O : PHOOLSHA MOHALLA,
1ST CROSS, KOLAR – 563 101.

…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,
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU – 560 041.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 AND R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION, IN THE RESPONDENT UNIVERSITY TO AWARD MAXIMUM OF 5 GRACE MARKS IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 UNDERTAKEN BY THE PETITIONER AND TO CONSEQUENTLY DECLARE THE PETITIONER AS HAVING PASSED IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 AND ETC.

IN W.P. NO.14344 OF 2024

BETWEEN:

MS. PIDATHALA LAKSHMI PRANAVI,
D/O MR. P. KRISHNA MURTHY,

AGE: 21 YEARS,
UNI. REG. NO.21M6039,
STUDYING 1ST MBBS FROM
SHRIDEVI INSTITUTE OF MEDICAL SCIENCES,
AND RESEARCH HOSPITAL,
SIRA ROAD,
TUMKUR – 572 106.

…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,
   RAJIV GANDHI UNIVERSITY OF
   HEALTH SCIENCES, 4TH 'T' BLOCK,
   JAYANAGAR,
   BENGALURU – 560 041.

…RESPONDENTS

(BY SRI. MADHUSUDHAN R. NAIK, SENIOR ADVOCATE
A/W. SMT. FARAH FATHIMA, ADVOCATE FOR R1 AND R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION, IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTING THE RESPONDENT UNIVERSITY TO AWARD MAXIMUM OF 5 GRACE MARKS IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 UNDERTAKEN BY THE PETITIONER AND TO CONSEQUENTLY DECLARE THE PETITIONER AS HAVING PASSED IN THE MBBS (RS4) EXAMINATIONS OF JANUARY 2024 AND ETC.

THESE WRIT PETITIONS PERTAIN TO PRINCIPAL BENCH BENGALURU HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 18.07.2024 AND COMING ON FOR PRONOUNCEMENT OF ORDERS AT KALABURAGI BENCH THROUGH VIDEO CONFERENCING, THIS DAY, THE COURT MADE THE FOLLOWING

CORAM: HON'BLE MR JUSTICE S SUNIL DUTT YADAV

C.A.V. ORDER

(PER: HON'BLE MR JUSTICE S SUNIL DUTT YADAV)

This Order has been divided into the following sections to facilitate analysis:

I. PRAYER:

The petitioners in all these writ petitions are students undergoing the MBBS Course. In W.P.Nos. 8912/2024, 14344/2024, 11801/2024, 9718/2024, 9722/2024, 9716/2024, 9462/2024, 9459/2024, 9017/2024, 8989/2024, 9357/2024, 9333/2024, 11844/2024, 9228/2024, 9094/2024 and 9029/2024, the petitioners have sought for the following common relief:

> (i) Award of five grace marks in the Course attempted (MBBS) RS4 Examinations of January, 2024;
>
> (ii) Seeking quashing of the "Ordinance/Notification governing Central Assessment Programme (CAP) for Theory Paper Assessment of all Under Graduate Health Science Courses, of University" dated 05.09.2022 bearing No.RGU/AUTH/24th Con/Synd/04/2022-23;
>
> (iii) To direct the respondent University to conduct fresh evaluation of the failed subjects of MBBS (RS4) Examinations of November 2023

and January 2024 undertaken by the petitioner and by resorting to two evaluations of the answer scripts and conducting a third evaluation where there is a deviation of 15% marks and thereafter announce results afresh by considering highest marks for the competition of the results;

Insofar as W.P.Nos.1916/2024, 10509/2024, 9412/2024, 9975/2024 the petitioners have sought for the following relief:

(i) Summon for photocopies and digital valuation slips;

(ii) To direct the respondent University to conduct additional evaluation under re-evaluation and announce the results by considering the best marks.

(iii) To direct the respondent University to provide an opportunity for the petitioners to appear and write the upcoming examination scheduled on 30.01.2024.

(iv) In W.P.10509/2024, 9412/2024 and 9975/2024 the petitioners have additionally sought for a direction to the respondents to allow the petitioner to attend II year MBBS Course.

(v) In W.P.No.9975/2024, petitioner has sought for awarding of 2 grace marks in the subject of psychology by considering the representation dated 05.03.2024 and 29.03.2024.

2. In light of the prayers sought for being interrelated to each other, the petitions are disposed off in terms of the following common order.

II. CONTENTIONS OF THE PARTIES:

3. It is the contention of the petitioners that the National Medical Commission Act, 2019 (for short 'NMC Act') has a Scheme whereby the Commission is conferred with the power of making Regulations in terms of Section 57 of the NMC Act relating to curriculum at the

Undergraduate level, while on the other hand the Undergraduate Medical Education Board (for short 'UGMEB') is authorised to perform functions in terms of Section 24 of the NMC Act.

4. It is further submitted that in terms of the Scheme, the Commission is empowered to make Regulations, while the UGMEB is authorised to frame Guidelines and in the hierarchy of Regulations and Guidelines, the Regulations would have to be given precedence.

5. It is specifically averred that in terms of the "Regulations on Graduate Medical Education (amendment) 2019, (for short '2019 Regulations'), specifically Regulation 11.2.9 provides for award of grace marks upto a maximum of five marks to be awarded at the discretion of the University and with such addition of grace marks, the candidate could clear the examination as a whole.

6. It is submitted that despite the Guidelines issued by the UGMEB on 01.08.2023 vide Notification No.U.14021/8/2023-UGMEB, which specifically does away with the award of grace marks, the benefit under the 2019 Regulations ought to prevail.

7. It is further contended that the 2019 Regulations as regards Clause-2 to 14 contained in Chapter-I to V and the Appendices and Schedules included as Part-I of the 2019 Regulations shall be the governing Regulations with respect to batches admitted in MBBS Course until the academic year 2018-2019. Further, Part-II which consists of the remaining Chapters would be Regulations as regards students admitted in MBBS Course from academic year 2019-2020 onwards.

8. Accordingly, it is submitted that the 2019 Regulations would apply to the petitioners.

9. Learned Senior Counsel Sri Madhusudan R. Naik appearing for the respondent University however has contended that the Guidelines dated 01.08.2023 (for short '2023 Guidelines') framed by UGMEB must be construed to be passed under power conferred under the Graduate Medical Education Regulations, 2023 (for short '2023 Regulations) and accordingly the contention that the 2023 Guidelines trace themselves to the 2019 Regulations cannot be accepted.

10. It is further submitted that the Guidelines of 2023 must be construed to have been framed pursuant to the Regulation at Chapter-V Point-20, which deals with Curriculum and stipulates that the UGMEB is required to publish the model Curriculum along with appropriate methodology to impart education, which would include the evaluation process.

11. It is further contended that: the 2023 Guidelines has altered the criteria for passing of subject

insofar as the mandate of obtaining 50% marks in the University conducted examination separately in theory and in practical examinations as per the 2019 Regulations has been relaxed; in terms of the new Regulation, student obtaining 60:40 or 40:60 respectively in theory and in practical examination could still be declared to be passed; if it were that the students are seeking benefit of grace marks, they are to be bound by the requirement of 50% as stipulated in the 2019 Regulations and cannot seek for extension of 60:40 and 40:60 relaxed evaluation standards as provided under the 2023 Guidelines; most of the petitioners not being eligible for being declared as passed under the 2019 Regulations, in light of their marks being below 50% cannot seek for benefit under 2023 Guidelines, which relaxes such standard, though does away with award of grace marks, the petitioners ought to elect to avail benefits under the 2019 Regulations in its entirety or the 2023 Guidelines and cannot seek to have the best of the 2019 Regulations (i.e. grace marks) and

the relaxed criteria for passing (60:40 and 40:60) in terms of the 2023 Guidelines which however does away with award of grace marks.

12. The learned counsel appearing for National Medical Council Sri N. Khetty submits that as regards the examination held after the publication of CBME Guidelines 2023, i.e. from 01.08.2023 onwards, the said Guidelines would apply and in terms of which, there is no provision for awarding of grace marks. It is further provided that the Guidelines of 2023 are framed in exercise of power under Section 10, 24, 25 and 57 of the National Medical Commission Act, 2019.

13. It is further submitted that the Corrigendum of 01.09.2023 is applicable prospectively and only as regards such examinations to be conducted after the CBME Guidelines 01.08.2023 and that such position has been reiterated in the Public Notice dated 03.10.2023.

14. It is argued that the 2023 Guidelines would supersede the earlier Guidelines and that maintenance of standards of education is a matter to be left solely within the domain of the experts and Courts ought not to resort to interpreting of such guidelines when explanations to it are made by the competent Authority.

III. ANALYSIS:

A. WHETHER AWARDING OF GRACE MARKS CAN BE CONTINUED EVEN AFTER COMING INTO FORCE OF THE GMER – 23

15. The said claim is based on the applicability of 2019 Regulations[1] framed under Section 33 of the Indian Medical Council Act, 1956.

16. The 2019 Regulations are stated to be applicable with respect to the batches admitted in MBBS Course from Academic Year 2019-20 onwards.

[1] Regulations on Graduate Medical Education (Amendment), 2019

17. The 2019 Regulations were framed under Section 33 of the Indian Medical Council Act, 1956. By virtue of the NMC Act, 2019, the Medical Council of India Act, 1956 came to be repealed, and the Medical Council of India stood dissolved. The 'transitory provision' i.e., Section 61 of the NMC Act reads as follows:

> *"**61. Transitory provisions** - (1) The Commission shall be the successor in interest to the Medical Council of India including its subsidiaries or owned trusts and all the assets and liabilities of the Medical Council of India shall be deemed to have been transferred to the Commission.*
>
> *(2) Notwithstanding the repeal of the Indian Medical Council Act, 1956, the educational standards, requirements and other provisions of the Indian Medical Council Act, 1956 and the rules and regulations made there under shall continue to be in force and operate till new standards or requirements are specified under this Act or the rules and regulations made there under:*

Provided that anything done or any action taken as regards the educational standards and requirements under the enactment under repeal and the rules and regulations made there under shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act."

18. Accordingly, it is clear that the National Medical Commission replaces the Medical Council of India. It is also of significance that the rules and regulations made under the Indian Medical Council Act, 1956 "shall continue to be in force and operate till new standards or requirements are specified under this Act or the Rules and Regulations made there under."

19. Subsequently, new set of regulations called the "Graduate Medical Education Regulations, 2023" came to be notified on 02.06.2023 and was published in the Gazette. In terms of the said regulations, Chapter-IV

provides for "Minimum Standards of Requirements (MSR) for Medical Education". Regulation 19 states that, Medical Institutions shall follow the guidelines for Minimum Standards of Recruitment (MSR) for undergraduate medical education prescribed by the UGMEB of NMC from time to time.

20. It also introduced under Chapter V 'Competency Based Dynamic Curriculum at Undergraduate Level'. Regulation 20 reads as follows:

> *"**20. Curriculum** – the UGMEB shall publish the model curriculum and the outcome objectives of the same from time to time on the NMC website which shall form the base for the development of a detailed medical curriculum by the concerned Universities, along with appropriate methodology to impart meaningful education. The details of the requirements shall conform to the prescribed standards. These standards are subject to modification from time to time with the changing healthcare scenario."*

21. Subsequent to the promulgation of the 2023 Regulations, the Undergraduate Medical Board has published guidelines on 01.08.2023, which are declared to be effective from 01.08.2023. These guidelines could be traced to the power conferred under Section 24(1)(e) of the NMC Act, 2019.

22. Section 24(1)(e) the NMC Act, 2019 provides as follows:

> *"**24. Powers and Functions of Under-Graduate Medical Education Board –***
>
> *(1) The Under-Graduate Medical Education Board shall perform the following functions, namely:—*
>
> *(e) determine the minimum requirements and standards for conducting courses and examinations for undergraduates in medical institutions, having regard to the needs of creativity at local levels, including designing of some courses by individual institutions, in accordance with the provisions of the regulations made under this Act;*

23. The 2023 Guidelines also provides for internal assessment and university examinations. While specifically providing for the criteria for passing of a subject, including manner of assessment, it is specifically provided "there shall be no grace marks to be considered for passing in an examination."

24. Clearly the 2023 Regulations in Chapter-IV at Regulation 19 which talks of minimum standards of requirements has prescribed that the Medical Institutions shall follow the Minimum Standards of Requirements (MSR) for undergraduate medical education prescribed by UGMEB of NMC from time to time.

25. It is in this context that the UGMEB guidelines are published in August, 2023 with effect from 01.08.2023 which as it is seen does away with grace marks specifically.

26. Such prescriptions are made under the guidelines which can be traced to powers conferred under section 24(1) (e) of the NMC Act, 2019.

27. Admittedly, in the present cases, the relief is as regards the award of grace marks for the examination in January 2024. By such time, the Regulations of 2023 and the UGMEB Guidelines were already in force. If that were to be so, the question of awarding grace marks does not arise as provided for under the guidelines.

28. The contention of extending the benefit of awarding grace marks under the 2019 Regulations post coming into force of Regulations of 2023 and the UGMEB Guidelines, 2023 is liable to be rejected in light of the discussion infra.

29. It is clear that the Commission had authorised making of regulations under Section 57 (1) in order to carry out the provisions of the NMC Act and in specific as

regards matters enumerated under Section 57 (2) (r) of the NMC Act.

30. Section 57 (2) (r) of the NMC Act provides that the minimum requirements and standards for conducting courses and examination for undergraduates in Medical Institutions as contemplated under Clause (e) of sub-section (1) of Section 24. Section 24(1) (e) of NMC Act refers to the functions of the undergraduate Medical Education Board determining the minimum requirements and standards for conducting courses and examinations for undergraduates in Medical Institutions.

31. Hence, according to the scheme envisaged, it is the regulations of the Medical Commission that may be framed as regards the subject matter specified under Section 24 (1) (e) relating to "Examinations for undergraduates in Medical Institutions" and in terms of Section 24 (1) (e) of the NMC Act, the Undergraduate Medical Examination Board is authorised to determine the

minimum requirements and standards for conducting courses and examinations for undergraduates in Medical Institutions.

32. In such a scheme the standards for conducting examinations are provided for in terms of Regulations of the Commission under Section 57 of NMC Act and the measures which may be in the form of guidelines by the UGMEB relating to the minimum standards for conducting examination are also provided for.

33. The standards of examination as well as such standards in the courses is a dynamic system that keeps changing. The effort for elevating the standard of education is a continuous process and can be linked to the objective of National Medical Commission Act, 2019 which reads as follows:

> *"An Act to provide for a medical education system that improves access to quality and affordable medical education, ensures availability of adequate and high quality medical professionals in all parts of the country…."*

(emphasis supplied)

34. It is but a natural process of any education system to constantly re-invent the course and examination patterns in order to produce high quality professionals. If that were to be so, the promulgation of guidelines from time to time as regards examination must be looked at in the context of changes in, course and examination.

35. It is in such context that after the promulgation of 2023 Regulation, the guidelines published by the UGMEB on 01.08.2023 has effected a change in the evaluation in the examination by doing away with the award of grace marks.

36. It cannot be stated that the standards of Medical Education or evaluation process as existing on the date of admission of the students would continue till the end of the course nor can there be any vested right for continuation of the system of evaluation as it was at the time the students had joined the course.

37. It can never be in contemplation that students can have vested rights as regards examination pattern in light of the changing standards in education methodologies and pedagogy requiring consequential changing standards in evaluation. The authority which conducts examination cannot have its hands tied. The standards of evaluation as prevailing on the date when the examination is held is the standard that is to be made applicable irrespective of the batch of students. It is inherent in any system of education that evaluation standards and methodologies change and such aspect is within the sole discretion of the academic bodies incharge of maintaining such standards.

38. The earlier Regulations of 2019 made under Section 33 of the Indian Medical Council Act, 1956 would give way to regulations setting new standards specified under the NMC Act, 2016 by virtue of proviso under section 61(2) of National Medical Commission Act, 2019.

39. Accordingly, the provision of grace marks under the 2019 Regulations framed under the Indian Medical Council Act, 1956, would have to give way to new standards of examination and evaluation as provided under the Guidelines framed in 2023 in exercise of power under Section 24 (1) (e) of the NMC Act, 2019 by the UGMEB. In light of the above discussion, the contention of the petitioners that the benefit of grace marks as was prevalent under the 2019 Guidelines has remained cannot be accepted.

40. In light of the express prohibition of awarding of grace marks under the UGMEB Guidelines, 2023, which hold the field as the present standard of evaluation in examination, there cannot be a claim for grace marks *dehors* the UGMEB Guidelines, 2023. There cannot be a claim for award of grace marks *dehors* the applicable regulations founded on the premise of equity.

B. CHALLENGE TO THE VALIDITY OF THE ORDINANCE:

41. The university conducting its examination is required to adhere to the 2023 Guidelines. The said Guidelines has a detailed reference to University Examinations and it is in such context that the Ordinance of the University with provision of evaluation during examination must be looked into.

42. The Ordinance of 05.09.2022[2] provides for general evaluation by first eligible examiner and revaluation by second eligible examiner. The highest of marks awarded by either of the two invigilators shall be considered for computation. It is to be noted that specifically the marks awarded and results declared as per the procedure prescribed shall be final and no further evaluation request shall be entertained.

43. It is in light of finality evaluation and absence of any further evaluation beyond general valuation and

[2]"Ordinance / Notification Governing Central Assessment Program (CAP) for theory paper assessment of all Under Graduate Health Science Courses of University", bearing No.RGU/AUTH/24th Con/Synd/04/2022-23

revaluation, and the procedure prescribed whereby the highest of the two would be taken not being palatable, the petitioners have challenged the validity of the ordinance.

44. The relief No.(ii) and (iii) in W.P.No.14344/2024 which are identical to reliefs sought for in other writ petitions, cannot sustain unless the ordinance of 05.09.2022 is struck down and accordingly the relief for striking down the ordinance of 05.09.2022 is sought for.

45. Though various contentions have been raised regarding the validity of the ordinance, the previous petitions filed challenging the same having been rejected and the present legal attack cannot lead to a reopening of a matter already adjudicated.

46. This Court in ***Ms. Sahana Kalasagond and others vs. Rajiv Gandhi University of Health Sciences***

and another[3]***[Sahana Kalasagond]*** while dealing with the legal attack to the ordinance dated 01.02.2021 set aside the ordinance with directions as follows:

(i) The matter before promulgating the next ordinance is to be placed before the Academic Council by the respondent University.

(ii) Till the new ordinance is promulgated the provisions of the ordinance of 2012 is to be applied while conducting revaluation. Certain other directions have been passed which may not be of immediate relevance to the present case.

47. After the order passed in ***Sahana Kalasagond* (supra)** striking down the ordinance, a fresh ordinance dated 05.09.2022 came to be passed. It is stated that the University upon the recommendation of the Academic Council, having taken note of the observations in ***Sahana***

[3] W.P.No.13626/2021 and connected matters disposed off on 07.10.2021

Kalasagond **(supra)**, in the meeting of the Syndicate passed the new ordinance dated 05.09.2022.

48. The details of writ petitions filed regarding the subject matter of the ordinance dated 05.09.2022 are as follows:

(i) ***V. Vamshi Krishna vs. Rajiv Gandhi University of Health Science and another***[4] **-**

(a) The validity of ordinance dated 05.09.2022 came to be challenged on various grounds including that the ordinance dated 05.09.2022 was not placed before the Academic Council as directed by the Court in the case of Sahana Kalasa Gond and others vs. Rajiv Gandhi University. It was specifically contended that there was no reference about deliberation in the committee of Academic Council.

[4] ***W.P.11688/2023*** and connected matters disposed off on 13.10.2023

(b) The University on the other hand had contended that there was deliberation before the Committee of Academic Council in its meeting held on 25.08.2022, 26.08.2022 and 29.08.2022 and it was only thereafter the matter was placed before the Syndicate on 02.09.2022 and 05.09.2022 and the Syndicate in exercise of power under Sub-Section (1) of Section 25 of the RGUHS Act, 1994 had promulgated the impugned ordinance. It was also contended that the procedure for evaluation of the answer script is a matter of academic policy of the University and it was impermissible for the Court to interfere with the Policy.

(c) The Court while disposing of the petition has observed as follows:

> *"26. …Pursuant to the direction issued by this Court, the university has placed the matter for deliberation before the Committee of Academic Council Meetings held on 25.08.2022, 26.08.2022 and 29.08.2022. The Committee of Academic Council recommended to promulgate impugned ordinance in supersession of all the previous ordinances/notifications*

pertaining to the answer script evaluation. The same was placed before Minutes of 172nd Syndicate meeting held on 02.09.2022 and 05.09.2022. The Syndicate also was pleased to promulgate the impugned ordinance…

27. The legislature and the delegate are the sole repositories of the power to decide the policies which should be pursued in relation to the matters covered by the Act and there is no scope for interference by the Court unless the particular provision impugned before it can be said to suffer from any legal lacunas in its merits, in the sense if it's being wholly beyond the scope of the regulation making power or its being inconsistent with any of the provisions of the parent enactment or in violation of any of the limitations imposed by the constitution. None of these vitiating factors are shown to exist in the present case. The Section 35 of the RGUHS Act, 1994 makes it clear that a duty is cast on the Syndicate to formulate its ordinances, amend or repeal in consultation with the Academic Council in matter relating to conduct or standard of examination or condition of residence of students. It s perfectly within the competence of syndicate in consultation with the academic council, rather, it was its plain duty to apply its mind and decide as a matter of policy relating to matters of examination. All these are undoubtfully matters which have an intimate nexus with the objects and purposes of the enactment and are, therefore within the ambit of the power to make ordinance amend or repeal contended by section 35 of the Act, unless it can be said that ordinance is manifestly unjust, capricious, inequitable or partial. The said ordinance was promulgated by the prudent and proper in relation to academic matters in preference to those formulated by the professional men possessing technical expertise and rich experience of actual day today working

institutions and the department controlling them. It would be wholly wrong on the part of the Court to make a pandentic and purely idealistic approach to the problems of this nature, isolated from the actual realities and gross route problems involved in the working of system and unmindful of consequences which would eminate if a purely idealistic view as opposed to a pragmatic one way to be propounded . It is equally important, Court should avoid any decision or interpretation of a statutory provision, rule or byelaw which would bring about the result of rendering the system unworkable in practice. The procedure to be adopted for evaluating the answer scripts is a matter of academic policy of the university.

29. The petitioners are the students who do not have any right to dictate the university with regard to the process of revaluation as the same is the policy decision to be made by the university and the same cannot be done on the whims and fancies of the students. The university is conferred by statute in rule making power. The Hon'ble Apex Court in the case of ***Maharashtra State board of Secondary and Higher Secondary education and another Vs. Paritosh Bhupeshkumar Sheth and others*** *reported in* ***(1984) 4 SCC 27*** *held that, it is the university, the state/central authority which prescribes the methodology and the process of evaluation it should be left to the academicians to do their jobs and the Court should reframe in treading to their territory of policy decision. The Hon'ble Division Bench of this Court in the case of* ***Parents association, RGUHS Vs. Rajiv Gandhi University of Health Sciences, Karnataka*** *in W.P.Nos.2905 and 453/2000 disposed on 19.12.2003 observed that the procedure to be adopted for evaluating the answer scripts is a matter of academic policy of the university and that when the*

ordinance is made by the Syndicate of the university consisting of academicians and experts in the field of education, it is impermissible for the Court to interfere with such a policy in the arbitrariness."

(ii) ***Mr. Aneesh S. M. and others vs. Rajiv Gandhi University of Health Sciences and others***[5] -

(a) The said writ petitions were filed seeking quashing of the ordinance dated 05.09.2022 by students of the R.S – 4 Batch. Various contentions were raised by the petitioners including that it was necessary for the University to show that consultation of the Academic Council was effective.

(b) The learned Single Judge while dismissing the writ petition has observed as follows:

*"29. In W.P.no.11688/2023 (**V.Vamshi Krishna v. RGUHS and Anr.,** disposed of on 13.10.2023), learned Single Judge of this Court examined specific challenge against CAP2022, by students who had appeared in May, 2022 MBBS Examinations and prayer for providing challenge valuation in case of difference of marks awarded between two evaluators was*

[5] **W.P.13375/2023 and connected matters disposed of on 18.04.2024**

more than 15%. Invalidity of CAP-2022 on ground of noneffective consultation was also considered, but writ petitions were dismissed by upholding validity of CAP-2022.

*30. Hence, decision in **V.Vamshi Krishna's** case (supra) would squarely cover questions (ii) and (iii). Indeed, earlier decision in **Dr.Prashant Mannur's** case (supra) was not brought to notice of Court in **Vamshi Krishna's** case (supra), but validity of CAP-2022 was upheld on ground that scope of judicial review in academic matters would be extremely limited, referring to series of decisions of Hon'ble Supreme Court. Division Bench of this Court in **New Krishna Bhavan, Malleswaram, Bangalore-3 v. Commercial Tax Officer, No. IV Circle (Addl.) Bangalore**, reported in **1959 SCC OnLine Kar. 130**, held in case of conflict between decisions of equal bench strength, later decision would prevail. In view of above discussion, questions (i) to (iii) are answered in negative."*

49. No doubt it is the contention of the counsel for the petitioners that the previous adjudication would not bar consideration afresh as regards contentions not raised in the previous petitions and that the petitioners in the present case were different from the parties in the previous litigation.

50. However, noticing that the validity of the ordinance has been upheld by dismissing the writ petition

at the instance of the same batch of RS-4 students, wherein, several contentions had been considered, it would not be appropriate to permit repeated challenges to the same ordinance at the instance of different students on fresh ingenious contentions raised. The Court refrains from re-entering to the validity of ordinance 05.09.2022 validity of which has been affirmed on two occasions and the said aspect requires finality.

51. The ordinance passed by Rajiv Gandhi University of Health Sciences, Karnataka, Bangalore, bearing No.RGU/AUTH/24thCon/Synd/04/2022-23 dated 05.09.2022 provides for evaluation as follows:

> *"**3. DEFINITIONS**:*
>
> ***General Valuation** – Means evaluation conducted by the first eligible examiner of the respective faculties through the digital valuation system.*
>
> ***Re-evaluation** – Means evaluation conducted by the second eligible examiners of the respective faculties through the digital valuation system.*

***4. PROCEDURE FOR VALUATION**:*

All answer scripts of all undergraduate health sciences courses of RGUHS be subjected to general evaluation by the first eligible examiner and re-evaluation by the second eligible examiner of the respective faculties through the digital valuation system before the computation of results.

5. PROCEDURE FOR COMPUTATION OF RESULTS:

The highest of the total marks awarded by either of the two evaluators i.e., best total marks awarded by any of the two evaluators for the paper shall be considered for computation of the results. If any decimals occurring during individual evaluator total marks awarded by the examiner shall be rounded off to the next higher value for the purpose of computation of results.

The marks awarded and the results so declared shall be final and under any circumstances, further valuation shall not be entertained and should be made applicable prospectively."

52. In light of the procedure prescribed under the ordinance and its validity having been upheld, the question

of considering passing of directions relating to re-evaluation by a method contrary to that provided under the ordinance does not arise. The court cannot supplant the wisdom of the academic bodies by way of directions that run contrary to the regulations.

53. It must be also noticed that many of the petitioners have already derived benefit under the stipulations of the ordinance of 05.09.2022 and cannot now seek to reopen and question the validity of the ordinance as regards some of the subjects where they seek for revaluation on other grounds.

IV. CONSEQUENTIAL RELIEFS:

54. The reliefs in common in writ petitions apart from those dealt with above, reads as follows:

(i) Summon for photocopies and digital valuation slips.

(ii) To direct the respondent University to conduct additional evaluation under

re-evaluation and announce the results by considering the best marks.

Insofar as the above prayers are concerned, in light of the discussion in para 52 supra, the question of overreaching the procedure prescribed under the ordinance of 05.09.2022 does not arise. The court also finds that no extraordinary circumstances justifying passing of directions contrary to procedure prescribed under Ordinance of 05.09.2022 arise. Insofar as request in summoning of photocopies of answer scripts, the court ought not to embark upon the inspection of answer sheet and consider requests for re-evaluation which is the domain of expert bodies.

(iii) To direct the respondent University to provide an opportunity for the petitioners to appear and write the upcoming examination scheduled on 30.01.2024.

Insofar as the opportunity attempt exam of 30.01.2024, prayer does not survive for consideration in light of discussion made above.

(iv) In W.P.10509/2024, 9412/2024 and 9975/2024 the petitioners have additionally sought for a direction to the respondents to allow the petitioner to attend II year MBBS Course.

The said prayer does not survive for consideration as the relief in itself was in the nature of interim relief pending adjudication on various issues including that of award of grace marks.

55. It is clarified that the interim orders stand discharged forthwith and cannot confer the students with any further equitable benefit.

Accordingly, the writ petitions are ***dismissed.***

Sd/-
(S. SUNIL DUTT YADAV)
JUDGE

NP/VGR/VP