

**IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF
TELANGANA
HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

WRIT PETITION No. 6560 OF 2026

07.04.2026

Between:

Salman Mahmood

..... Petitioner

And

State of Telangana,
Rep. by its Principal Secretary,
Medical, Health & Welfare Department & others.

..... Respondents

ORDER:

This Writ Petition is filed aggrieved by the action of Respondent University in insisting that Petitioner should re-appear for all four theory papers along with practical/clinical and *viva voce* examinations in the Post Graduate Medical Examination conducted in October, 2025 for the course of M.D. Anesthesiology, on the ground that he failed Paper-I Basic Sciences and Applied Anatomy, despite having secured the requisite marks in the remaining papers. Petitioner seeks a declaration that such insistence is illegal, arbitrary and violative of Article 14 of the Constitution and consequently seeks permission to re-appear only in respect of Paper-I.

2. Petitioner's case is that, he is a medical graduate who completed M.B.B.S from the 4th respondent - Deccan College of Medical Sciences after securing a rank in EAMCET examination conducted upon completion of Intermediate education. Thereafter, Petitioner appeared for National Eligibility Entrance Test (NEET) conducted by the National Board of Examinations in 2022, secured a rank, and was admitted into the Post Graduate course in M.D. Anesthesiology at Deccan College of Medical Sciences, where he pursued studies for the academic period 2022 to 2025. Upon completion of the said course of three years, he appeared for the Post Graduate Medical Examination conducted by Respondent No.2 - University of Health Sciences in October, 2025, which comprised four theory papers, viz. Paper-I Basic Sciences and Applied Anatomy, Paper-II Systemic and Regional Anesthesia", Paper-III Systemic and Super Specialty Anesthesia and Paper-IV Recent Advances and ICU, along with practical and *viva voce* components; results were declared in November, 2025, wherein Petitioner secured 39 marks in Paper-I as against the minimum pass mark of 40, thereby failing by one mark.

2.1. It is stated, aggrieved by the said action, Petitioner approached this Court by filing Writ Petition No. 36837 of 2025 seeking, *inter alia*, declaration that detaining him by one mark is illegal, arbitrary and violative of Article 14 of the Constitution of India, and also sought production and inspection of his answer script. By order dated 04.02.2026, this Court permitted him to approach the Grievance Committee by paying requisite fees for verification of the answer scripts. Pursuant to the said order, he approached the Grievance Committee, and on inspection, it was found that in respect of Question No.6, though he answered the question, no marks whatsoever were awarded and there was no indication of evaluation by the examiner, not even a marking or notation, and the answer was awarded 'zero' marks.

2.2. According to petitioner, in a theory examination, once an answer is written, there must be some semblance of application of mind by the examiner while evaluating the same, and the absence of any marking whatsoever in respect of Question No.6 clearly indicates non-consideration of the answer. He places reliance upon Clause 8.4 of the Post-Graduate Medic Education Regulations, 2023 (for short, 'the

Regulations') issued by the National Medical Commission, which governs valuation and evaluation of answer scripts. The said Clause provides for double valuation of answer scripts, computation of average marks, and further stipulates the criteria for evaluation of M.D. courses, including that there shall be four theory papers of 100 marks each, total 400 marks, with a passing minimum of 200/400 and a minimum of 40% in each paper, and that a candidate shall secure not less than 50% marks in each head of passing, including theory, practical/clinical and *viva voce*.

2.3. Petitioner relies upon Clause (3) of the criteria for evaluation, which states that if any candidate fails even under one head, he/she has to re-appear for both theory and practical/clinical and *viva voce* examination, and contends that the said provision does not state that a candidate must re-appear in all four theory papers in the event of failure in one paper and the interpretation sought to be placed by Respondents requiring re-appearance in all four papers is contrary to the regulation. It is also stated, petitioner had already passed in three theory papers, therefore, there is no requirement for him to re-appear in the said papers. He has no

objection whatsoever to re-appear for theory, practical/clinical and *viva voce* examination in respect of Paper I Basic Sciences and Applied Anatomy, in which he failed by one mark.

2.4. Petitioner contends that Respondents are misinterpreting Clause (3) of the evaluation criteria without application of mind and are unjustifiably insisting him to re-write all the four papers, which is not contemplated under the Regulations. In view of the said insistence, petitioner is stated to have filed this Writ Petition.

3. Respondents 2 and 3 filed counter contending that as per Chapter 8 of the Post-Graduate Medical Education Regulations under the heading "Examinations", particularly Regulation 8.1, the medical college or institution conducts the formative assessment (examination), whereas the University conducts the summative assessment (examination), and that both formative and summative assessments consist of theory, clinical/practical and viva w components. The University is required to conduct not more than two examinations in a year for any subject, with an interval of not less than four months and not more than eight months between the two examinations. Reliance is placed on Regulation 8.4, which deals with valuation

and contends that the criteria for evaluation clearly stipulate that a candidate shall secure not less than 50% marks in each head of passing, including theory, practical/clinical and viva voce, and that in addition, in each theory paper, a candidate must secure a minimum of 40%.

3.1. It is specifically contended that the Regulation provides that if any candidate fails even under one head, he/she shall have to re-appear for all four theory papers along with practical/clinical and *viva voce*, and not merely the paper in which the candidate has failed. In the present case, as borne out by the statement of marks, Petitioner failed to secure the required minimum of 40% in Paper-I Basic Sciences and Applied Anatomy, having obtained only 39 marks, therefore, he has been rightly declared as failed in accordance with the Regulations.

3.2. Petitioner, after being declared failed, had earlier approached this Court in Writ Petition No. 36837 of 2025 and obtained an order permitting inspection of answer scripts, and on such inspection, having realized that he did not secure the required marks, particularly in respect of Question No.6, is now raising a grievance that no marks were awarded. The answer

scripts are evaluated strictly in accordance with the prescribed procedure, wherein each answer script is subjected to evaluation by two examiners, and in the event of there being a difference of 15% or more between the two evaluators, the script is referred to a third evaluator.

3.3. In the case of petitioner, it is specifically contended that despite evaluation by two examiners, he did not secure any marks for the answer to Question No.6, and therefore the evaluation cannot be faulted. Petitioner cannot call into question the evaluation of the answer scripts, as it is a settled proposition that in the field of medical examinations, the scope of judicial review is extremely limited and the Court ought not to interfere in the matter of assessment and evaluation of answer sheets by expert examiners. As per Regulation 8.1, no grace marks are permitted in Post Graduate examinations either for theory or for practical, therefore, he cannot claim any benefit on that ground. It is further stated, the regulatory provisions are clear and unambiguous, and there is no challenge to the validity of the said Regulations by Petitioner, therefore, the action taken by the University in insisting petitioner's re-appearance for all

the four papers along with practical/clinical and *viva voce* cannot be found fault with.

4. Heard Ms. P. Krishna Keertana, learned counsel for petitioner, learned Government Pleader for Medical, Health and Family Welfare and Sri T. Sharath, learned Standing Counsel for respondent University.

5. On careful consideration of pleadings, mark sheet, order dated 04.02.2026 in Writ Petition No.36837 of 2025, answer script inspection proceedings and the relevant provisions of the Regulations, 2023 as well as the submissions advanced on either side, it is to be seen, the facts are not in dispute, therefore, do not require elaborate reiteration. It is an admitted position that Petitioner pursued M.D. Anesthesiology at respondent college for the academic period 2022-25 and appeared for Post Graduate Medical Examination conducted by the respondent University in October, 2025. The examination comprised four theory papers, viz. Paper-I Basic Sciences and Applied Anatomy, Paper-II Systemic and Regional Anesthesia, Paper-III Systemic and Super Specialty Anesthesia and Paper-IV Recent Advances and ICU, in addition to practical/clinical and *viva voce* components. It is also not in dispute that he secured

39 marks in Paper-I as against the minimum requirement of 40 marks and was consequently declared failed.

6. In the above factual backdrop, the principal issue that arises for consideration is whether a candidate, who has failed in one theory paper, can be permitted to re-appear only in that particular paper, as contended by Petitioner or whether such candidate is required to re-appear for all four theory papers along with practical/clinical and viva voce examinations, as contended by Respondents.

7. Petitioner seeks to draw support from Clause 8.4 of the Regulations more particularly Clause (3) of the criteria for evaluation, which provides that if any candidate fails even under one head, he/she has to re-appear for both theory and practical/clinical and viva voce examination. The contention of Petitioner is that the said provision must be construed to mean that re-appearance is confined only to the paper in which the candidate has failed. This Court is unable to accept the said contention. A statutory or regulatory provision cannot be read in isolation or in a truncated manner so as to suit a particular interpretation. The provision must be read harmoniously along with the entire scheme of the Regulations. The regulatory

framework, as placed on record, clearly establishes that the Post Graduate medical examination is a composite and integrated assessment consisting of multiple components, namely theory (four papers), practical/clinical and *viva voce*, and that each of these components constitutes a "head of passing".

8. The criteria for evaluation unequivocally stipulate that a candidate must secure not less than 50% marks in each head of passing, which includes theory as a whole, and further mandates that in each theory paper, a minimum of 40% must be secured. Thus, the requirement is not merely paper-specific, but is embedded within a larger framework of overall competency across all components of the examination. The expression 'fails even under one head' occurring in Clause (3) cannot be narrowly construed to mean failure in a single paper alone. The said expression, when read in the context of the scheme of the examination, refers to failure in any component or requirement that forms part of the overall assessment. Once a candidate fails to meet the prescribed minimum in any one component, the result is declared as 'failed', and the candidate is required to undergo the process of re-assessment in accordance with the regulatory scheme.

9. Respondents have categorically asserted that the regulatory requirement is that upon failure in one head, the candidate is required to re-appear for all the four theory papers along with practical/clinical and *viva voce*. This interpretation, in considered view of this Court, is consistent with the structure and object of Post Graduate medical education, which is designed to ensure comprehensive evaluation of a candidate's knowledge, skill and competence, rather than fragmented or paper-wise certification.

10. Acceptance of the interpretation sought to be advanced by Petitioner would result in reading into the Regulation something which is not expressly provided and would defeat the uniformity and rigor of the evaluation process prescribed for Post Graduate medical courses. Such an interpretation cannot be adopted, particularly in the absence of any ambiguity in the regulatory framework.

11. Insofar as the contention of Petitioner regarding non-award of marks for Question No.6 is concerned, this Court finds no merit in the same. It is an admitted position that pursuant to the order dated 04.02.2026 passed in Writ Petition No. 36837 of 2025, Petitioner was permitted to inspect his

answer scripts upon approaching the Grievance Committee by paying the requisite fee. He, in fact, availed the said opportunity and verified the answer scripts.

12. The Regulations clearly provide that all answer scripts shall be subjected to double valuation, and in cases where there is a variation of 15% or more between the two evaluators, the script shall be subjected to a third valuation. It is also expressly stipulated that after computation and declaration of results, revaluation is not permissible under any circumstances. In the present case, it is the specific stand of respondents that Petitioner did not secure any marks for the answer to Question No.6 despite evaluation by two examiners. Mere absence of markings or notations on a particular answer, by itself, cannot be a ground for this Court to infer non-evaluation or to undertake a re-assessment of the answer. Evaluation of answer scripts is within the exclusive domain of subject experts, and this Court, in exercise of jurisdiction under Article 226 of the Constitution, does not sit in appeal over such academic assessments.

13. It is a settled principle that in matters relating to academic evaluation, especially in specialized disciplines such

as medical education, the scope of judicial review is extremely limited. Interference is warranted only in cases of manifest arbitrariness, *mala fides*, or violation of statutory provisions. No such circumstance is made out in the present case. Further, the Regulations specifically provide that no grace marks are permissible in Post Graduate examinations, either for theory or for practical. Therefore, the fact that Petitioner has fallen short by one mark cannot be a ground to seek relaxation or indulgence from this Court.

14. It is also relevant to note that Petitioner has not challenged the validity of the Post-Graduate Medical Education Regulations, 2023. In the absence of any challenge to the regulatory framework, he cannot seek a direction contrary to the express scheme of the regulations. The action of Respondents is strictly in accordance with the applicable Regulations. This Court does not find any arbitrariness, illegality, or violation of Article 14 of the Constitution of India in the said action.

15. In view of the aforesaid discussion and for the reasons recorded hereinabove, the contentions advanced by Petitioner are devoid of merit and do not persuade this Court to grant the relief sought for.

16. Accordingly, the Writ Petition is dismissed. No costs.

17. Consequently, the miscellaneous Applications, if any shall stand closed.

NAGESH BHEEMAPAKA, J

07th April 2026

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