

2. THE REGISTRAR (EVALUATION)  
RAJIV GANDHI UNIVERSITY OF  
HEALTH SCIENCES, 4<sup>TH</sup> 'T' BLOCK,  
JAYANAGAR, BENGALURU-560 070.

...RESPONDENTS

(BY SRI. HARISH GANAPATHY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARING THE MARKS AWARDED TO THE PRACTICALS/CLINICALS EXAMINATIONS OF THE SUBJECT PAEDIATRICS OF THE PHASE-III-PART-II (4<sup>TH</sup> YEAR) MBBS EXAMINATIONS OF FEBRUARY 2022 UNDERTAKEN BY THE PETITIONER VIDE ANNEXURE-B ISSUED BY THE RESPONDENTS AS NULL AND VOID.

THESE WRIT PETITIONS ARE COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

The petitioners No.1 to 21 in W.P.No.9494/2022 are the students pursuing their final year MBBS course in Kalburgi Institute of Medical Sciences.

2. The petitioners No.1 to 10 in W.P.No.10046/2022 are students pursuing their final year MBBS. Petitioners No.1 to 8 are the students of Navodaya Medical College, Raichur. Petitioner No.9 is the student of Employees State Insurance Corporation College, Gulbarga. Petitioner No.10 is the student of Kanachur Institute of Medical Sciences, Mangaluru.

3. The petitioners in W.P.Nos. 10327/2022 & 10381/2022 are the students of Father Muller Medical College, Mangaluru.

4. The petitioner in W.P.No.10498/2022 is a student of Shivamogga Institute of Medical Sciences.

5. The petitioners in W.P.No.10545/2022 are the students of Vydehi Institute of Medical Sciences, Bengaluru.

6. The petitioners in W.P.No.10549/2022 are the students of M.R. Medical College, Kalaburagi.

7. All the said institutions are affiliated to respondent -- Rajiv Gandhi University of Health Sciences (for short 'RGUHS').

8. The case of the petitioners is that they have all succeeded in the theory examination in the final year theory examination of MBBS Course. However, they have failed in practical examination, which are as mentioned below:

- In W.P.No.9494/2022 - Petitioners No. 1 to 21 have failed in Surgery Subject in practical examination.

- In W.P.No.10046/2022- Petitioners No.1 to 6 have failed in subject 'Obstetrics' and 'Gynaecology'. Petitioners Nos.7 and 8 have failed in subject 'Pediatrics'. Petitioners No.9 and 10 have failed in subject 'Surgery'.
- In W.P.No.10327/2022 – The petitioner has failed in subject 'Surgery'.
- In W.P.No.10381/2022 -- The petitioner has failed in Subject 'Surgery'.
- In W.P.No.10498/2022- The petitioner has failed in subject 'Pediatrics'.
- In W.P.No.10545/2022 – The petitioner has failed in subject 'General Medicine' and in W.P.No.10549/2022 – the petitioner has failed in subject 'Pediatrics'.

9. It is submitted that the practical examination has not been conducted in accordance with law and was done in violation of guidelines issued by respondent – RGUHS. On the said ground in all the writ petitions it is prayed that their results in so far as practical examination should be set aside and the University should be directed to

conduct a fresh practical examination for the petitioners in the aforementioned subjects.

10. Learned counsel appearing for respondent – University upon instructions submits that the University has decided, taking into consideration the interest of the students, without going into the fact whether practical examination has been conducted in accordance with law or not and to conduct fresh practical examination for the petitioners.

11. Learned counsel appearing for petitioners are willing to take practical examination in any place as determined by respondent – University. Hence, the following:

**ORDER**

- i. The practical/clinical examination result for the final year MBBS in respect of petitioners No.1 to 21 in W.P. No.9494/2022 in subject 'Surgery', Petitioners Nos.1 to 6 in W.P.No.10046/2022 in subject 'Obstetrics and Gynaecology', petitioners No.7 and 8 in subject 'Paediatrics', petitioners No.9 and 10 in subject 'Surgery', petitioner in W.P.No.10327/2022 in

subject 'Surgery', petitioner in W.P.No.10381/2022 in subject 'Surgery', petitioner in W.P.No.10498/2022 in subject 'Paediatrics', Petitioner in W.P.No.10545/2022 in subject 'General Medicine' and petitioner in W.P.No.10549/2022 in subject 'Paediatrics', is hereby set aside.

ii. Respondent – RGUHS is hereby directed to conduct fresh practical examination to the aforementioned petitioners in the subjects mentioned above within a period of three weeks from the date of receipt of certified copy of this order.

Accordingly, the writ petitions stands ***disposed of.***

**Sd/-  
JUDGE**

AG