



CGHC010334192026



2026:CGHC:42383

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 4476 of 2026****Reserved on 26/09/2026****Pronounced on 29/09/2026**

Shirin Akhtar D/o Shri Anwar Khan, Aged About 25 Years, Resident of
M I G / S T - 44, Housing Board Colony, Khamtarai, Bilaspur, District
Bilaspur, Chhattisgarh

... Petitioner(s)**versus**

1 - State Of Chhattisgarh, Through The Secretary, Department of Health
and Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava
Raipur, District Raipur, Chhattisgarh.

2 - Directorate of Medical Education, Chhattisgarh, Through its Director,
Old Nurses Hostel Campus, Near D.K.S. Bhawan, Raipur, District
Raipur, Chhattisgarh.

3 - Directorate of AYUSH, Chhattisgarh, Through its Director, Indravati
Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh.

4 - Pandit Deendayal Upadhyay Memorial Health Sciences and Ayush
University of Chhattisgarh, Uparwara, Atal Nagar, Sector - 40, Naya
Raipur, District Raipur, Chhattisgarh - 493661, Through Its Registrar

5 - New Horizon Dental College and Research Institute, Sakri, Bilaspur, District Bilaspur, Chhattisgarh, Through Its Dean.

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s) : Mr. Soumitra Kesharwani, Advocate
 For Respondent/ : Mr. Akhilesh Kumar, Government Advocate
 State
 for Respondent : Mr. Ajay Kumar Dwivedi, Advocate
 No.4

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. By way of this petition, the petitioner herein approaches this Court invoking its extraordinary jurisdiction under Article 226 of the Constitution of India, seeking the issuance of a writ, order or direction for re-evaluation of the answer books of the petitioner in respect of the Bachelor of Dental Surgery (BDS) Final Year Examination, specifically qua the subjects of Public Health Dentistry (Community Dentistry), Periodontology, Oral and Maxillofacial Surgery and Conservatory Dentistry & Endodontics. The petitioner prays that a direction be issued to Respondents 4 & 5 to conduct a re-checking and re-evaluation of the answer books of the petitioner in respect of the aforesaid four subjects and to submit a report thereof before this Court. The petitioner further prays that if such re-evaluation of the said subjects is not permissible under the Regulations of Respondent No.4, a

direction be issued to Respondent No.4 to conduct a fresh rechecking and scrutiny of the original answer books of the petitioner pertaining to the four subjects stated above, award marks in accordance with law and communicate the outcome thereof to the petitioner and consequently, issue a revised mark-sheet for the BDS Final Year Examination held in the month of March 2026. According to the petitioner, she had fully and accurately answered the questions in respect of the four subjects i.e Public Health Dentistry (Community Dentistry), Periodontology, Oral and Maxillofacial Surgery and Conservatory Dentistry & Endodontics. However, despite the answers provided by the petitioner being accurate, complete and up to the requisite academic standard, the Respondents have acted arbitrarily by awarding disproportionately meagre marks in the examination pertaining to the aforesaid subjects. It is contended that so far as aggregate marks are concerned, the petitioner has secured 1002 marks out of 1600, which is well over and above the minimum qualifying marks; notwithstanding the same, the petitioner has been declared fail in the final result solely on account of not securing the prescribed pass marks in four subjects. It is further the case of the petitioner that she has consistently maintained an exemplary academic record throughout all preceding professional years of the BDS Course. It is only in the BDS Final Year examination that owing to gross arbitrariness in evaluation and systemic marking anomalies, she has been declared failed in the aforementioned four subjects. Consequent thereupon, the

petitioner has preferred this Writ Petition praying for the following reliefs :

10.1 Issue an appropriate writ, order or direction directing the re- checking/re-evaluation of the answer books of the Petitioner in the subjects of Public Health Dentistry (Community Dentistry), Periodontology, Oral & Maxillofacial Surgery and Conservative Dentistry & Endodontics of the B.D.S. Final Year Examination, March-April 2026, under the supervision of this Hon'ble Court;

10.2 Issue an appropriate writ, order or direction directing the appointment of an independent teacher / subject expert of the respective subjects, not connected with Respondent Nos. 4 and 5, for the purpose of re-checking / re-evaluation of the answer books of the Petitioner in the four subjects aforesaid, and for the submission of a report in that behalf to this Hon'ble Court;

10.3 In the alternative, issue an appropriate writ, order or direction directing Respondent No. 4 to conduct a fresh physical re-checking / re-evaluation of the answer books of the Petitioner in the four subjects aforesaid through subject experts, in the physical mode, by recording the question-wise marks awarded upon the answer books themselves, and to furnish the outcome thereof to the Petitioner;

10.4 Issue any other or further writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

2. The brief facts matrix essential for adjudication of the present case, as projected by the petitioner, is that the petitioner was admitted to the four-year Bachelor of Dental Surgery (B.D.S.) degree course at Respondent No. 5 -College during the Academic Session 2021–22. Throughout her academic tenure, the petitioner has consistently maintained an consistent academic record, clearing all preceding professional examinations in her very first attempt without any backlogs:

- B.D.S. 1st Year (August 2023): Secured 389 out of 600 marks (*Passed*).
- B.D.S. 2nd Year (February 2024): Secured 552 out of 800 marks (*Passed*).

B.D.S. 3rd Year (March 2025): Secured 432 out of 600 marks (*Passed*), obtaining theory scores of 42/70 in General Medicine, 40/70 in General Surgery, and 39/70 in Oral Pathology & Microbiology.

3. It is contended that vide Examination Notification No. F-E-3(1)/NS-05/DUHS/EXAM/2026/2623 dated 09.03.2026, Respondent No. 4 notified the scheme and schedule for the B.D.S. Final Year Examination (March-April 2026). The petitioner was issued Examination Admit Card bearing Roll No. 23110192 for the examination centre at Govt. College of Nursing, Bilaspur (C.G.). The petitioner sat for both the theory papers (each carrying 70 marks and compromised two long questions of 10 marks each and twelve short notes of 5 marks each, out of which any ten were required to be attempted) and practical/clinical examinations in all eight subjects, scheduled between 28.03.2026 and 13.04.2026.

On 12.06.2026, Respondent No. 4 published the examination results. As per the official Tabulation Chart, despite securing a high aggregate score throughout all four years, the petitioner was declared "Failed" solely on account of arbitrary and disproportionately low theory marks awarded in four specific subjects. The details of the marks awarded to the petitioner in the BDS Final Year Examination are tabulated hereinbelow :

Subject	The-ory (70)	Oral (20)	Int. (10)	Th. Total (100) Min. 50	Ext. (90)	Int. (10)	Pr. Total (100) Min. 50	Sub Total (200) Min. 100
Public Health Dentistry	23	16	7	46*	65	8	73	119
Periodontology	18	18	8	44*	70	8	78	122
Orthodontics & Dentofacial Orthopadeics	39	18	7	64	51	8	59	123
Oral Medicine & Radiology	42	16	8	66	69	8	77	143
Oral & Maxillofacial Surgery	19	16	7	42*	52	6	58	100
Conservative Dentistry & Endodontics	23	17	8	48*	69	9	78	126
Prosthodontics & Crown & Bridge	37	18	8	63	63	8	71	134
Pedodontics & Preventive Dentistry	39	16	7	62	66	7	73	135
GRAND TOTAL/RESULT								1002/ 1600 FAIL

4. The above Tabulation Chart would show that the petitioner has cleared the prescribed minimum qualifying benchmark in the practical/clinical component of each of the eight subjects and has further secured the requisite aggregate score of 100 out of 200 marks in every single subject. The petitioner has been declared failed solely and exclusively on account of the marks awarded in the written theory component of the four subjects in question, notwithstanding having secured high marks of 16, 18, 16, and 17 out of 20 in the oral/viva examination of the said four subjects respectively. In the self-same examination conducted during the self-same session, in identical format and by the self-same University, the petitioner was awarded 39, 42, 37 and 39 marks out of 70 in the theory papers of Orthodontics & Dentofacial Orthopaedics, Oral Medicine & Radiology, Prosthodontics and Crown & Bridge and Pedodontics & Preventive Dentistry respectively, as against disproportionately low theory marks of 23, 18, 19, and 23 out of 70 in the four subjects in question. There exists no rational or plausible explanation for such a glaring disparity in the performance of one and the same candidate throughout the papers of identical pattern written within a span of seventeen days. Being deeply aggrieved by the theory marks awarded in the said four papers, the petitioner preferred an application before Respondent No. 4 for retotalling of her answer books in respect of Public Health Dentistry, Periodontology, Oral & Maxillofacial Surgery and Conservative Dentistry & Endodontics, which was duly forwarded by the Dean of

Respondent No. 5 along with the prescribed fee. Respondent No. 4, vide Notification bearing No. 2152/Pt.DDUU/Conf./Result/2026 dated 15.07.2026, published the outcome of the retotalling exercise. The said notification contains a singular blanket entry under the caption "*Result No Change*", under which the roll numbers of all applicant candidates, including the petitioner's Roll No. 23110192, have been listed without varying a single mark in any candidate's case. Retotalling is, by its very nature, confined to a routine arithmetical re-addition of the marks already allocated question-wise. It does not and legally cannot entail any re-assessment or qualitative evaluation of the answers written by the candidate. The said exercise was inherently incapable of addressing the grievance of the petitioner, which is not that the allocated marks were incorrectly summed, but that her answer books were either not evaluated at all or were assessed without any application of mind or reference to any ascertainable academic standard. The petitioner thereafter applied for and obtained certified copies of her answer books in respect of the four subjects in question from Respondent No. 4. A perusal of the said certified copies reveals that the answer books were evaluated digitally (on-screen evaluation of scanned images). The prescribed tables on the cover pages titled '1st VALUER' and '2nd VALUER' respectively, including columns for question-wise marks, examiner signatures, dates and evaluator details have been left entirely blank, leaving no contemporaneous record that double valuation was carried out. Furthermore, there is a total

absence of ticks, crosses, marginal notations, underlining, correction, comment or question-wise marks anywhere on the answer pages themselves. The accompanying ‘Result Overview’ generated by the digital platform mechanically lists final marks and question statuses (*'Marked'*, *'Not Attempted'*, or *'Optional'*), rendering the entire valuation exercise unverified and non-evaluated on the face of the record. The question-wise marks so disclosed are as under :

Question	Pubic Health Dentistry (Community Dentistry)	Periodonto -logy	Oral & Maxillofaci al Surgery	Conservative Dentistry & Endodontics
LQ1 (10)	7.5	2	4	5.5
LQ2(10)	6.5	2	3	5
S.N.1(5)	0	1	N.A.	N.A.
S.N.2(5)	0.5	N.A.	N.A.	2
S.N.3(5)	2.5	1	1.5	2.5
S.N.4(5)	0.5	1	1.5	2
S.N.5(5)	0	2	1	1
S.N.6(5)	1.5	2.5	2	1
S.N.7(5)	1.5	1	1.5	N.A.
S.N.8(5)	2.5	1	1.5	1
S.N.9(5)	0	1.5	1	0
S.N.10(5)	0	N.A.	0.5	1.5
S.N.11(5)	N.A.	1.5	0.5	1
S.N.12(5)	N.A.	1	1	0
TOTAL (70)	23	17.5	19	22.5

5. The answers submitted by the petitioner conform in both substance and structure to the authoritative and prescribed

standard textbooks in the respective dental specialties i.e. *Textbook of Operative Dentistry* (by Nisha Garg) and *Clinical Operative Dentistry* (Ramya Raghu) for Conservative Dentistry & Endodontics; *Textbook of Periodontics* (by Shalu Bathla) for Periodontology; *Essentials of Public Health Dentistry {Community Dentistry}* (by Soben Peter) for Public Health Dentistry and *Textbook of Oral and Maxillofacial Surgery* (by S.M. Balaji) for Oral & Maxillofacial Surgery. The grave prejudice resulting from the impugned evaluation is not merely confined to an undue loss of academic marks. As a direct consequence thereof, the petitioner faces the irreparable loss of an entire academic year, accompanied by the consequential deferment of her compulsory rotatory internship, her statutory registration with the Dental Council of India and her entry into professional practice, notwithstanding that she has secured the requisite qualifying aggregate in all subjects and has been assessed as proficient in the practical and clinical components of the very subjects in question by examiners who conducted her in-person assessments.

6. Mr. Soumitra Kesharwani, learned counsel for the petitioner submits that the marks allocated in respect of each questions are contrary to the substance of the answers submitted by the candidate. The evaluation suffers from manifest non-application of mind on the part of the evaluator. In several instances, specifically where long-answer questions carrying 10 marks each, despite the answers provided by the petitioner being accurate and complete,

the petitioner has been awarded a nominal score of merely 2 marks out of 10. Such arbitrary and perfunctory marking, without assigning any reason or pointing out any deficiency, is unjustifiable. Further, the prescribed table on the cover page of each answer sheet mandated for recording question wise marks awarded by the first and second valuers, total marks scored, examiner signatures, dates and evaluator particulars, has been left completely blank in all four answer sheets, thereby creating a strong legal presumption that the mandatory double valuation was never carried out and that the answer sheets were not properly evaluated in accordance with law. He further submits that as per the Rules and Regulations prescribed by University-Respondent No.4, specifically clause (x) of the Guidelines governing applications for re-evaluation, a candidate appearing in a University examination is barred from applying for re-evaluation in more than two subjects per academic session. Since the petitioner seeks re-evaluation/re-assessment of four theory subjects on account of systemic digital evaluation errors and non-application of mind, she is rendered entirely without any effective statutory or administrative remedy under the University framework. Consequently, the Petitioner has no alternative, efficacious remedy except to invoke the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India. He further submits that a perusal of the copies of the answer books obtained by the petitioner by filing an appropriate application, discloses evaluation anomalies and errors

committed by the evaluators under Respondent No. 4. The petitioner had attempted six questions, which were digitally evaluated by Respondent No. 4 through its On-Screen Marking (OSM) / digital evaluation portal, wherein the status of the said questions was reflected as 'Marked'. However, several other questions, which were fully attempted and not flagged as '*Not Attempted*' were straightway assigned a score of zero ('0'). This clearly shows that while the evaluator formally accessed each page on the digital portal to update the status, the actual evaluation was conducted in a purely mechanical, hasty, and routine manner, without assessing the contents of the answers. This perfunctory classification shows that the on-screen digital valuation platform operated in an arbitrary and unverified manner, subjecting the petitioner's answers to automated processing rather than genuine, substantive evaluation by a qualified examiner. The aforesaid award of zero ('0') marks for multi-page answers, which conform to prescribed standard textbooks, is arbitrary, illegal and unsustainable in law. This is especially so on the premise that no model answer key, scheme of evaluation, step-marking rubric or objective valuation guidelines were framed and made available to the evaluators by Respondent No.4. He submits that in total absence of any ascertainable evaluation parameters or benchmarking criteria, the allocation of zero marks for answers written in accordance with authoritative textbooks reflects sheer caprice and manifest non-application of mind. He submits that when the statutory examination authority elects to depart from the

conventional physical mode of evaluation and adopt an automated digital/on-screen evaluation system, it is bound by a heightened duty of care to implement robust administrative and technological standards, as digital on-screen valuation differs from traditional physical evaluation. He further submits that although the petitioner has filed an application for retotalling of marks, the same is incapable of redressing her genuine grievance. Retotalling is a mere recount of previously allocated marks, whereas, the core grievance of the petitioner pertains to the arbitrary non-award of appropriate marks for correct answers submitted by her in accordance with standard textbooks. He also submits that while the scope of judicial ordering of re-evaluation is circumscribed in routine cases, the extraordinary writ jurisdiction under Article 226 of the Constitution of India can and must be exercised where the evaluation suffers from manifest non-application of mind, perfunctory digital processing and gross arbitrariness, rendering the internal mechanism of retotalling completely illusory. He submits that notwithstanding the absence of an explicit statutory provision for re-evaluation, the Constitutional Court, in exercise of its extraordinary jurisdiction under Article 226 is not entirely denuded of the power to order re-evaluation in rare and exceptional circumstances. Where an apparent error, glaring mistake or total non-awarding of marks for manifestly correct answers is demonstrable on the face of the record, judicial intervention becomes imperative to prevent grave injustice. In such exceptional cases, the High Court possesses the

requisite authority to pass appropriate directions for re-evaluation. He further submits that the present matter squarely warrants the indulgence of this Court, as there exist glaring and apparent mistakes on the face of the record.. He submits that the impugned evaluation of the petitioner's Final Year B.D.S. theory papers is wholly arbitrary and unjust. Throughout her B.D.S. course, the petitioner has maintained a consistently strong academic record, passing her First, Second and Third Years without any backlogs, securing 42, 40, and 39 marks out of 70 in her Third-Year theory papers. However, in the Final Year examination conducted over a span of seventeen days with papers of identical pattern and duration, a vast and inexplicable divergence arose. While she scored 39, 42, 37, and 39 marks out of 70 in four subjects, her marks in the remaining four theory papers suddenly collapsed to 23, 18, 19, and 23. This drastic drop is confined strictly to the screen-evaluated theory papers, directly contradicting her outstanding performance in the practical (73, 78, 58, and 78 out of 100) and oral (16, 18, 16, and 17 out of 20) components evaluated in person by the same examiners. He submits that such a severe chasm between in-person and screen-based assessments points squarely to non-application of mind and an absence of any discernible and fair evaluation standard. Ultimately, this improper evaluation forces the petitioner to lose an entire academic year, unnecessarily deferring her compulsory rotatory internship, professional registration and entry into practice, thereby directly impairing her right to pursue her chosen

profession under Article 19(1)(g) and her right to live with dignity under Article 21. In order to buttress his submissions, learned counsel for the petitioner relied upon the judgment of the Supreme Court in the matter of **High Court of Tripura Though the Registrar General Vs. Tirtha Sarathi Mukherjee and others**, reported in **(2019) 16 SCC 663**. He submits that having regard to the overall facts and circumstances of the case, the present matter warrants the indulgence of this Court despite the absence of a specific provision for re-evaluation and failing to intervene would otherwise result in a manifest miscarriage of justice. He contends that despite the petitioner having submitted correct answers, the respondent authorities have either failed to award any marks whatsoever or awarded meagre marks, which is unreasonable and unsustainable in law. Hence, the Petition deserves to be allowed.

7. Per contra, Mr. Ajay Kumar Dwivedi, learned counsel for respondent No.4 submits that the relief sought by the petitioner is legally impermissible, as there is no statutory provision for the re-evaluation of four answer books. He submits that under the applicable Regulations, a candidate may, at the most, seek re-evaluation for a maximum of two papers, in accordance with the governing statute. Furthermore, as the petitioner's application for retotalling has already been considered and decided, no ground survives for judicial interference in the re-evaluation process. He further submits that the answer books have already been re-evaluated through digital/on-screen evaluation and final marks

have been duly awarded. Thus, the petitioner's contention that appropriate marks were not assigned is legally unsustainable. The valuation of answer sheet falls within the exclusive domain and expertise of the examiner, who assesses responses in accordance with the prescribed syllabus and authoritative reference material. A candidate cannot claim a vested right to demand or dictate specific marks for any answer provided in any examination. He submits that marks can be awarded only if the response satisfies the prescribed evaluation criteria. The mere length or volume of an answer running into numerous pages is immaterial if the content lacks relevance. The intrinsic merit and quality of the answer sheets are the sole determinants for the assessment of the marks. He submits that since the applicable Regulations contain no provision for re-evaluation of answer books in respect of four subjects, the claim of the petitioner and the reliefs prayed for in the petition are legally unmaintainable and liable to be dismissed. He further submits that Respondent-Ayush University of Chhattisgarh, uses a TCSiON-powered integrated digital examination and On-Screen Marking (OSM) system. Under this encrypted framework, physical answer booklets are scanned and securely transmitted to a cloud server. Evaluators log into the portal to evaluate answer books digitally on secure monitors, wherein the identities of both the candidate and the evaluator remain strictly encrypted to preserve absolute anonymity and neutrality. Hence, physical annotations on answer sheets do not exist and the petitioner's grievance regarding

missing physical markings is misconceived. He further submits that for the B.D.S. Course, evaluation is strictly conducted by a single subject expert. He submits that pursuant to Clause 10 (Points 1-3) read with Ordinance 11 of the University, examiners are duly qualified subject experts possessing a M.D.S. degree and a minimum of 4 years of teaching experience. The evaluation of the petitioner's answer sheets was conducted meticulously in adherence to standard prescribed criteria and reference textbooks, without any element of casualness. Upon the petitioner's application for retotalling, the marks were verified and no mathematical error was detected. He also submits that retotalling is confined strictly to verifying mark aggregation and does not entail re-assessment. As per Ordinance No. 02 of the University, re-evaluation is permissible for a maximum of two papers only. Since the petitioner has failed in four papers, she is ineligible to claim re-evaluation. It is a settled proposition of law that a candidate has no vested legal right to seek re-evaluation in the absence of explicit statutory provisions or ordinance rules permitting the same. The Hon'ble Supreme Court in ***Dr. NTR University of Health Sciences Vs. Dr. Yerra Trinadh and others*** reported in **(2022) 18 SCC 716**, reiterated that High Courts, exercising writ jurisdiction under Article 226, cannot order re-evaluation or summon digital answer scripts for independent re-assessment where the relevant regulations do not provide for it. In the absence of any glaring, self-evident material error on the face of the record, Courts intervention based on sympathy or

compassion is impermissible. He would also refer to the judgment passed by the Hon'ble Supreme Court in the matter of **Ran Vijay Singh Vs. State of U.P.** reported in **(2018) 2 SCC 357**, to submit that if rules do not provide for re-evaluation, the Court cannot invent a remedy. It stressed that minor errors or perceived injustices in marking do not justify derailing the entire examination system. He also submits that a writ of mandamus lies only when there exists a clear, subsisting legal right in favor of the petitioner and a corresponding, enforceable legal or statutory duty upon the respondent authority. In the absence of any statutory mandate enabling re-evaluation beyond the prescribed limit, the petitioner possesses no enforceable legal right to demand the same. Consequently, the present writ petition seeking a direction in the nature of mandamus is wholly unmaintainable in law. He further submits that where any ambiguity or doubt arises regarding evaluation procedures or academic standards, such doubt must be resolved in favor of the examining body rather than the candidate. The decisions of academic bodies and qualified examiners carry a presumption of correctness and in the absence of demonstrable *mala fides* or patent illegality, judicial restraint must be observed. Hence, he prays to dismiss the petition.

8. I have heard learned counsel for the petitioner as well as the contesting respondent i.e. Respondent No.4 and have also carefully perused the materials on record, including the documents annexed to the petition along with the relevant Mark

sheet of the BDS Final Year Examination pertaining to the year 2026, issued in the month of March 2026.

9. Evidently, the answer books of the petitioner in respect of the subjects whereof re-evaluation is sought along with other relevant materials whereupon the petitioner has founded her case, require due consideration. By way of a covering memo, the petitioner has placed on record certain documents comprising the official Notification detailing the schedule for the Supplementary Examination in respect of the BDS First, Second and Third Year Main Examinations as well as the Main and Supplementary Examination for the Fourth Year.
10. I have also bestowed my earnest consideration upon the reply filed on behalf of Respondent No.4, the relevant materials whereupon the said respondent has founded its defence as well as the judicial precedents cited and relied upon by learned counsel for the petitioner and Respondent No.4 respectively.
11. It is indisputable that judicial interference in administrative decisions, particularly in the domain of re-evaluation of answer scripts, is strictly circumscribed and cannot be directed as a matter of routine course. Such interference is permissible only in exceptional and appropriate cases where grave injustice would otherwise be occasioned to an examinee. Even in the absence of an explicit provision for re-evaluation, the extraordinary jurisdiction under Article 226 of the Constitution of India may be invoked where it is demonstrably clear that despite rendering correct

answers, no marks have been awarded or where there exists a glaring mistake in the evaluation of a particular answer. Where there is no ambiguity regarding the correctness of an answer or where any doubt raised has been resolved in favor of the candidate/examinee yet no remedial action has been taken by the authorities, non-issuance of a writ of Mandamus would result in grave injustice. Under its writ jurisdiction, this Court cannot remain a silent spectator to manifest arbitrariness and is duty-bound to issue appropriate directions to meet the ends of complete justice.

12. Now, in the light of the aforesaid aspects, upon a careful examination of the matter and the relevant judicial authorities, it emerges that in ***Tirtha Sarathi Mukherjee (supra)***, a similar controversy fell for consideration before the Hon'ble Supreme Court, wherein, it was observed that the scope of judicial interference in matters of re-evaluation is strictly constrained in the absence of a specific statutory provision permitting the same. Nevertheless, it was unequivocally laid down that even where no provision for re-evaluation exists, if an examinee is denied marks despite having rendered correct answers, judicial intervention, albeit for a limited purpose, is permissible. The Hon'ble Supreme Court, after advertent to various precedents on the subject, observed the following in paragraphs 19 to 21:

19. We have noticed the decisions of this Court. Undoubtedly, a three-Judge Bench has laid down that there is no legal right to claim or ask for re-valuation in the absence of any provision for re-valuation. Undoubtedly, there is no provision. In fact, the High Court in the impugned judgment [Tirtha

Sarathi Mukherjee v. High Court of Gauhati, 2018 SCC OnLine Gau 2060] has also proceeded on the said basis. The first question which we would have to answer is whether despite the absence of any provision, are the courts completely denuded of power in the exercise of the jurisdiction under Article 226 of the Constitution to direct re-valuation? It is true that the right to seek a writ of mandamus is based on the existence of a legal right and the corresponding duty with the answering respondent to carry out the public duty. Thus, as of right, it is clear that the first respondent could not maintain either writ petition or the review petition demanding holding of re-valuation.

20. The question however arises whether even if there is no legal right to demand re-valuation as of right could there arise circumstances which leave the Court in any doubt at all. A grave injustice may be occasioned to a writ applicant in certain circumstances. The case may arise where even though there is no provision for re-valuation it turns out that despite giving the correct answer no marks are awarded. No doubt this must be confined to a case where there is no dispute about the correctness of the answer. Further, if there is any doubt, the doubt should be resolved in favour of the examining body rather than in favour of the candidate. The wide power under Article 226 may continue to be available even though there is no provision for re-valuation in a situation where a candidate despite having giving correct answer and about which there cannot be even the slightest manner of doubt, he is treated as having given the wrong answer and consequently the candidate is found disentitled to any marks.

21. Should the second circumstance be demonstrated to be present before the writ court, can the writ court become helpless despite the vast reservoir of power which it possesses? It is one thing to say that the absence of provision for re-valuation will not enable the candidate to claim the right of evaluation as a matter of

right and another to say that in no circumstances whatsoever where there is no provision for re-valuation will the writ court exercise its undoubted constitutional powers? We reiterate that the situation can only be rare and exceptional.

13. Further, relying upon the exposition of law in the aforesaid judgment, the Hon'ble Supreme Court in a subsequent decision in ***Aish Mohammad v. State of Haryana and others***, reported in **(2023) 13 SCC 621**, has reiterated the legal position and observed the following in paragraphs 29 and 30:

29. In High Court of Tripura v. Tirtha Sarathi Mukherjee [High Court of Tripura v. Tirtha Sarathi Mukherjee, (2019) 16 SCC 663] , the question that arose was whether, in the absence of a statutory provision, a writ petitioner could seek re-evaluation of examination answer scripts? Answering, this Court held : (SCC p. 670, paras 20-21)

“20. The question however arises whether even if there is no legal right to demand re-valuation as of right could there arise circumstances which leave the Court in any doubt at all. A grave injustice may be occasioned to a writ applicant in certain circumstances. The case may arise where even though there is no provision for re-valuation it turns out that despite giving the correct answer no marks are awarded. No doubt this must be confined to a case where there is no dispute about the correctness of the answer. Further, if there is any doubt, the doubt should be resolved in favour of the examining body rather than in favour of the candidate. The wide power under Article 226 may continue to be available even though there is no provision for re-valuation in a situation where a candidate despite having giving correct answer and about which there cannot be even the slightest manner of doubt, he is treated as having given the wrong answer and consequently the candidate is found disentitled to any marks.

21. Should the second circumstance be demonstrated to be present before the writ court, can the writ court become helpless despite the vast reservoir of power which it possesses? It is one thing to say that the absence of provision for re-valuation will not enable the candidate to claim the right of evaluation as a matter of right and another to say that in no circumstances whatsoever where there is no provision for re-valuation will the writ court exercise its undoubted constitutional powers? We reiterate that the situation can only be rare and exceptional.

30. *The unique nature of power bestowed on the High Courts under Article 226 has very recently been commented upon in B.S. Hari v. Union of India [B.S. Hari v. Union of India, (2023) 13 SCC 779] . In Sanjay Dubey v. State of M.P. [Sanjay Dubey v. State of M.P., (2023) 17 SCC 187 : 2023 SCC OnLine SC 610] , while declining to interfere with the order impugned therein, a reason which weighed was that a High Court had passed the said order, and not a Court of Session. This again emphasised the special nature of the High Courts, including that they are constitutional courts.*

14. Now, when the case at hand is examined in the light of the aforesaid settled principles enunciated by the Hon'ble Supreme Court, along with the rival submissions advanced on behalf of the respective parties, it becomes manifest that the petitioner, a candidate in the BDS Final Year Examination, is aggrieved by the meagre marks awarded to her in respect of her answer books in four subjects, as delineated in the petition. It is her specific case that despite having rendered correct answers, she has been allotted disproportionately low marks, a fact which is evident from the perusal of the answer sheets (copy) placed on record by the petitioner and which remains largely uncontroverted by the

Respondent authorities. For instance, in respect of Long Question No. 1 in the subject of *Periodontology* despite the answer being demonstrably correct, the petitioner was awarded merely 02 marks out of a total allocation of 10 marks. Similarly, in respect of Long Question No. 2, the petitioner was once again awarded merely two marks out of 10, notwithstanding the fact that the answer was accepted as correct during the digital/on-screen evaluation, as evidenced by the answers being marked as “ticked” on-screen, which *prima facie* indicates that they were treated as correct. Likewise, in various other subjects, appropriate marks were withheld and not awarded despite the answers submitted by the petitioner being accurate and correct on merits. Furthermore, in respect of several other questions, the petitioner has been awarded 'zero' marks, despite the fact that she has furnished exhaustive multi-page answers strictly aligned with the prescribed standard textbooks and that too without the evaluator providing any endorsement, remark or indication whatsoever to signify any shortcoming therein. Specifically, zero '0' marks were awarded in Short Question Nos. 1, 5, 9, and 10 in the paper of *Public Health Dentistry* as well as Short Note Nos. 9 and 12 in *Conservative Dentistry & Endodontics*. The absence of any remark or indication of a deficiency in these answers, coupled with the award of zero ('0') marks, *prima facie* raises a serious question regarding the manner of evaluation.

15. A student is expected to prepare and answer examination questions on the basis of the authoritative textbooks prescribed by

the competent authorities. Unless and until it is established upon proper evaluation that an answer is incorrect or deficient, awarding zero '0' marks for a detailed response submitted by an examinee is wholly unsustainable and legally impermissible. Although the petitioner has applied for re-totalling of marks, the same would be a mere exercise in futility, as simple re-totalling is confined to verifying mathematical addition and would fail to redress the substantive grievance of the petitioner regarding arbitrary evaluation and non-application of mind. Where the foundational dispute relates to the non-awarding of due marks for correct answers, the assignment of disproportionately low marks and the recording of zero ('0') marks in respect of fully attempted questions, a mere re-addition of the scores already logged cannot cure or redress the injury. In such circumstances, re-totalling offers no meaningful relief and the only effective remedy available to the petitioner is to seek re-evaluation of the answer books.

16. Upon a careful perusal of the answer books and the responses furnished by the petitioner, *prima facie* it appears that there is either an inherent flaw in the digital on-screen evaluation process or the evaluation software was not fed with the requisite model answers/key, thereby leading to such glaring errors. Where it is apparent on the face of the record, including the marking entries generated during the digital/on-screen evaluation, that the petitioner has submitted correct and complete answers, the contention advanced on behalf of the Respondent-University that no relief can be granted in writ jurisdiction in the absence of a

specific provision for re-evaluation, appears to be wholly sans substance and contrary to the principles of equity, fairness and justice. The petitioner has knocked the doors of this Court on the premise that under the governing University Regulations, an examinee is permitted to apply for re-evaluation in respect of a maximum of two papers only. However, in the instant case, the petitioner's grievance of arbitrary evaluation spans four separate subjects, which are consequently precluded from administrative re-evaluation under the restrictive cap of the said rules. In such circumstances, where the administrative framework offers no complete remedy, invoking the extraordinary writ jurisdiction under Article 226 of the Constitution of India for issuance of a mandamus directing the respondent authorities to re-evaluate all four answer scripts remains the only recourse available to the petitioner.

17. Although Respondent No. 4 has placed reliance upon the decision in ***Dr. NTR University of Health Sciences (supra)*** and ***Ran Vijay Singh (supra)*** to contend that judicial interference is impermissible in the absence of a statutory provision for re-evaluation and that no writ of mandamus can be issued to that effect, the said principle is not without exception. Where there exists a glaring error apparent on the face of the record, as is evident in the present case, judicial intervention becomes imperative to prevent grave prejudice and to do complete justice, as held by the Hon'ble Supreme Court in the matters of ***Tirtha Sarathi Mukherjee (supra)*** and ***Aish Mohammad (supra)***. Such

intervention is all the more warranted in the present matter as the petitioner appears to be a meritorious student, having consistently cleared her BDS First Year, Second Year and Third Year examinations with good marks. In seeking the indulgence of this Court under its extraordinary writ jurisdiction, the petitioner alleges that appropriate marks have been withheld despite her answers being correct. While this Court does not sit as an academic expert, it cannot turn a blind eye to anomalies on the face of the record. Even conceding that an examinee may not secure full marks out of ten, it is equally true that a candidate cannot be awarded merely two marks out of ten when the answer is substantively correct on merits. Similarly, with respect to the allotment of zero '0' marks in the short answer questions, an examiner cannot award zero indiscriminately or mechanically for an entire response where portions thereof are correct. Even where a portion of an answer is deficient, proportionate credit ought to be accorded for the remaining correct part, an evaluation principle that has been completely bypassed in the present case, as manifest from a perusal of the petitioner's answer books.

18. Furthermore, a perusal of the marksheet reveals that in respect of the aggregate marks, the petitioner has secured 1002 out of 1600, which clearly demonstrates that she is an otherwise meritorious candidate who has been declared unsuccessful solely on account of non-awarding of passing marks in the subjects in question. It is apparent from the score entries that the petitioner has failed by a narrow margin ranging between 2 to 8 marks in the

four theory papers. Importantly, she has been awarded 46, 44, 42 and 48 marks respectively in four subjects such as Public Health Dentistry, Periodontology, Oral and Maxillofacial Surgery and Conservative Dentistry & Endodontics against the prescribed minimum passing requirement of 50 marks, thereby establishing that the failure was occasioned entirely by the non-award of appropriate pass marks for her correct responses.

19. It is a settled maxim of jurisprudence that justice must not only be done, but must patently and undoubtedly be seen to be done. The actions of the Respondent authorities in the present matter fail to reflect this foundational principle, as an arbitrary and mechanical evaluation process has been allowed to stand to the prejudice of a meritorious student.
20. Considering the facts and circumstances of the case and in light of the governing principles laid down in ***Tirtha Sarathi Mukherjee (supra)*** and ***Aish Mohammad (supra)***, this Court is of the view that the answer books of the petitioner in respect of all four subjects warrant re-evaluation to secure the ends of justice. Accordingly, the Respondent authorities are directed to constitute an independent expert committee to re-evaluate the petitioner's answer books in four subjects i.e. Public Health Dentistry (Community Dentistry), Periodontology, Oral and Maxillofacial Surgery and Conservatory Dentistry & Endodontics within a period of one month from the date of receipt of a certified copy of this order. Consequent upon such re-evaluation, the Respondents

shall issue a revised Marksheet for the BDS Final Year Examination held in March 2026, in respect of the petitioner, in accordance with law, preferably within a further period of two months.

21. With the aforesaid observations/directions, the Writ Petition is

Allowed. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay

WPC No. 4476 of 2026**HEAD NOTE**

Where the evaluation of answer scripts prima facie discloses arbitrary or mechanical assessment, including award of disproportionately low marks for correct answers or zero marks for fully attempted answers without apparent justification, the High Court, in exceptional circumstances, may exercise its jurisdiction under Article 226 notwithstanding the absence of a specific provision for re-evaluation. Where such anomalies are apparent from the record and raise a prima facie case of non-application of mind, appropriate directions for independent re-evaluation may be issued in the interest of justice.