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APHC010286342026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3458]
(Special Original Jurisdiction)

WEDNESDAY, THE 1st DAY OF JULY 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 14957/2026

Between:

1. KONDURU SAI BHARGAV, S/O. K SUDARSANAM, AGED ABOUT 23 YEARS, STUDENT OF FINAL YEAR MBBS PART-LL,ROLL NO 21M102002099, GUNTUR MEDICAL COLLEGE, GUNTUR, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HEALTH, MEDICAL AND FAMILY WELFARE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI.
2. DR NTR UNIVERSITY OF HEALTH SCIENCES, REP. BY ITS REGISTRAR, VIJAYAWADA, ANDHRA PRADESH-520008.
3. THE CONTROLLER OF EXAMINATIONS, DR. NTR UNIVERSITY OF HEALTH SCIENCES, VIJAYAWADA, ANDHRA PRADESH-520008.
4. THE PRINCIPAL, GUNTUR MEDICAL COLLEGE, GUNTUR, ANDHRA PRADESH.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased tomay be pleased to issue an appropriate writ order or direction more particularly one in nature of Writ of Mandamus declaring the action of the

Respondent Nos. 2 and 3 in not awarding one (1) grace/add mark to the Petitioner for the Final MBBS Part-ll Ophthalmology Examination (Set-C Paper) conducted on 02-04-2026, despite a gross technical error of printing identical/repeated Multiple Choice Questions (MCQ No. 5 and MCQ No. 7), thereby restricting the scoring opportunitiesto 19 questions instead of 20 as provided to students of other Sets, as illegal, arbitrary, discriminatory, unjust, and violative of Articles 14, 19(1)(g), and 21 of the Constitution of India and consequently direct the Respondent Nos. 2 and 3 to award one (1) mark to the Petitioner (Roll No 21 Ml02002099), declare him as PASSED in the Ophthalmology subject, and direct the Respondent No. 4 to provisionally permit the Petitioner to commence his Compulsory Rotatory Residential Internship (CRRI) along with his regular batchmates with effect from 25- 05-2026, and pass such

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to direct the direct the Respondents to provisionally permit the Petitioner to join and commence his Compulsory Rotatory Residential Internship (CRRI) at Guntur Medical College/Government General Hospital, Guntur, pending final adjudication of this Writ Petition, to prevent irreparable loss to his academic year and medical career, and pass such

Counsel for the Petitioner:

1. AYESHA AZMA S

Counsel for the Respondent(S):

1. GP FOR MEDICAL HEALTH FW
2. Tata Venkata Sridevi, Standing Counsel For Dr.NTR University of Health Sciences

The Court made the following:

ORDER:-

Heard Ms. Ayesha Azma S, learned counsel for the petitioner, learned Government Pleader for Medical Health and Family Welfare appearing for the respondent Nos.1 and 4 and Ms. Tata Venkata Sridevi, learned Standing Counsel appearing for the respondent Nos.2 and 3.

2. The instant writ petition is filed seeking a direction to the respondent Nos.2 and 3 to add one grace mark to the marks secured by the petitioner in the Final MBBS Part-II Ophthalmology Examination (Set-C Paper) conducted on 02.04.2026, as a technical error had occurred in printing the multiple choice questions.

3. It is contended that under multiple choice questions, question No.5 was repeated as question No.7. In other words, question No. 7 was a repetition of question No.5. The answer given by the petitioner to question No.5 was found to be the wrong answer. The petitioner had chosen the same answer to question No.7 also, as was chosen for question No.5. It is contended that repetition of questions deprives the petitioner of the fair chances of securing the appropriate marks. The learned counsel for the petitioner argues that in such circumstances, a direction to the respondents to grant one grace mark is warranted and the same would declare the petitioner as passed.

4. The learned Standing Counsel Smt. T.V.Sridevi, appearing for the 2nd and 3rd respondents, argues that the University had issued a notification on

28.04.2026 inviting objections on preliminary key, through online mode. The petitioner was provided sufficient opportunity to raise objections to the multiple choice questions in Third Professional MBBS Part-II examinations. The petitioner did not avail the same, however, directly approached this Court seeking a direction to the respondents to grant one grace mark, which according to the University, is not tenable.

5. Considered the submissions.

6. The examinations attended by the petitioner are regular examinations for final year MBBS Course (Part-II). In the case of regular examinations, in respect of multiple choice question and answers, where the same question has been repeated for the second time, a candidate who answered the first question(s) incorrectly is placed at a disadvantageous position vis-à-vis a candidate who answered the first question correctly, as he secures an additional mark for the repeated question. In contrast, the other candidate who gave the wrong answer to the first question loses one mark. To ensure fairness, the candidate who has been declared unsuccessful should also be awarded one compensatory mark on account of the repeated question, if that ***one mark*** makes all the difference in passing in the examination.

7. Unlike competitive examinations and rank based examinations where award of additional marks to all candidates may alter the *interse* merit and ranking, regular examinations would assess whether a candidate has

attained the prescribed qualifying standard. Therefore, in the facts of the case, awarding a compensatory mark in a regular examination to neutralize the prejudice caused by repetition of question would not adversely affect marks secured or ranking of other candidates.

8. In the present facts, if the repeated question is excluded from consideration, the candidate's percentage of marks is calculated the same would be:

$$\frac{39}{99} \times 100 = 39.39\%$$

The percentage marks to declare one as pass in the present case is 40%. In the light of the same, even if no grace mark(s) as a matter of course are given to a wrong answer, this Court is of the view that on account of the procedural lapses on the part of the respondents in repeating the questions, they cannot shirk or evade their responsibility by saying that to the repeated question also they have awarded marks if the answer given to the first question was the right answer. The lapses on the part of the respondents confers advantage to the one set of candidates and causes corresponding disadvantage to another set of candidates.

9. As observed above, the candidate who has given ***wrong*** answer in the case of **repeated** question is in a disadvantageous position than the person who had given the **right** answer. Had the question been not repeated, the petitioner would have had an opportunity to face the new question. Thus,

in the present facts, the petitioner had lost two marks, one for his mistake and another for no mistake on his part. Therefore, he cannot be put to a disadvantageous position for no fault on his part. In the present situation, if the repeated question is excluded from the total marks, the total marks for the ophthalmology examination paper would be ***99,*** the petitioner had secured **39.39%** as elaborated above, therefore, this Court is of the view that even if 40% is the qualifying percentage that one should get to qualify/pass in the examination, the petitioner is falling short of the qualifying pass percentage by only **0.61%** in the final examination. Such a marginal short fall in the facts of the case warrants liberal approach in granting appropriate relief.

10. In view of the foregoing, the 2nd and 3rd respondents are directed to add one mark to the petitioner in the Final MBBS Part-II Ophthalmology Examination (Set-C) held on 02.04.2026 and declare the petitioner as "PASSED" in the Ophthalmology subject. Consequently, the 4th respondent is directed to consider the case of the petitioner to allow him to commence the Compulsory Rotatory Residential Internship (CRRI).

11. With the above directions, the writ petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

JUSTICE KIRANMAYEE MANDAVA

Dated: 01.07.2026
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Whether the order is:

Speaking	☑	Reasoned	
Reportable	☑	Non-reportable	

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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO:14957 of 2026

Dated: 01.07.2026

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