

**PRL, DISTRICT COURT :: WEST GODAVARI :: ELURU : DT.11-10-2023.**

Copy Communicated the Hon'ble High Court's T&PSC Communication No.57/2023, Dt.05.10.2023 to all the Judicial Officers in the Unit of West Godavari are hereby requested to download the copy of order Dt.04.11.2022 passed by the Hon'ble Supreme Court of India in Civil Appeal Nos.8037 and 8038 of 2022 from the Principal District Court's website, for information and necessary action.

*C. Purnachandran*  
**PRL, DISTRICT JUDGE,  
W.G., ELURU.**

**Copy to :**

1. All the Judicial Officers in the Unit of West Godavari.
2. The Incharge System Officer (e-Courts project), Principal District Court, Eluru, with a direction to place the same in Principal District Court's website and send **e-mails** to all the Officers.

**DIS NO. 5982**  
**DATE 11.10.23**

# **HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**



**CIVIL APPEAL NOS.8037 AND 8038 OF 2022**

(the file of the Hon'ble Supreme Court of India, New Delhi)

IN

**WA NO.363 AND 364 OF 2019**

(on the file of this High Court of A.P. At Hyderabad)

T&P.S.C. COMMUNICATION NO.57/2023

Dt: 5.10.2023

I am to Communicate the copy of the order **dated 04.11.2022** passed by the Hon'ble Supreme Court of India, New Delhi in **Civil Appeal Nos.8037 AND 8038 OF 2022** for your information and necessary action.

**ASSISTANT REGISTRAR**

**TO**

1. The Principal District & Sessions Judge, District Court Complex, Visakhapatnam District, Andhra Pradesh.
2. The Principal District & Sessions Judge, District Court Complex, At Eluru, West Godavari District, Andhra Pradesh.
3. The Principal District & Sessions Judge, District Court Complex, At Machilipatnam, Krishna District, Andhra Pradesh.
4. The Principal District & Sessions Judge, District Court Complex, SPSR Nellore District, Andhra Pradesh.
5. The Principal District & Sessions Judge, District Court Complex, Kakinada, East Godavari District, Andhra Pradesh.
6. The Principal District & Sessions Judge, District Court Complex, Guntur District, Andhra Pradesh.
7. The Principal District & Sessions Judge, District Court Complex, At Ongole, Prakasham District, Andhra Pradesh.
8. The Principal District & Sessions Judge, District Court Complex, YSR Kadapa District, Andhra Pradesh.
9. The Principal Secretary, Medical Health and Family Welfare Department, A.P. Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
10. The Registrar (Judicial), High Court of Telangana, Andhra Pradesh.

10

All Communications should be  
addressed to the Registrar,  
Supreme Court by designation,  
NOT by name  
Pin Code - 110001

10

SUPREME COURT  
INDIA  
NEW DELHI

D.No.7309/2020/SEC-XII-A/SC/XIII.  
Dated, this the 12<sup>th</sup> day of September, 2023

From: The Assistant Registrar,  
Supreme Court of India,  
New Delhi.

To,

✓ The Registrar,  
High Court of Andhra Pradesh  
at Amaravathi

57  
2023

**CIVIL APPEAL NO. 8037 and 8038 OF 2022**

(Ref: High Court's Order dated 31.10.2019 in W.A. No. 363 of 2019 and  
W.A. No. 364 of 2019)

Dr. NTR University of Health Sciences

...Appellant

Versus

Dr. Yerra Trinadh & Others

...Respondents

Sir,

In continuation of this Registry's letter of even number dated the  
**09.11.2022**, I am directed to transmit herewith for necessary action a  
certified copy of the common Decree dated the **04.11.2022** of the  
Supreme Court in the said matters.

The Original record, if any, will follow.  
Please acknowledge receipt.

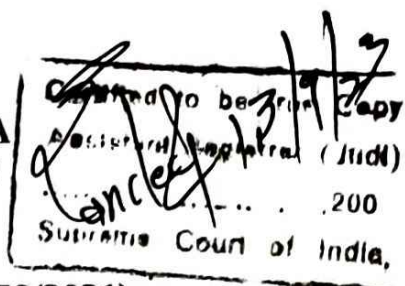
Yours faithfully

9.11.23/9/23  
Assistant Registrar





IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION



**CIVIL APPEAL NO. 8037 OF 2022**  
(Arising out of Special Leave Petition (C) No.6059/2021)

Dr. NTR University of Health Sciences

...Appellant

Versus

**197921**

Dr. Yerra Trinadh & Others

...Respondents

**WITH**

**CIVIL APPEAL NO. 8038 OF 2022**  
(Arising out of Special Leave Petition (C) No.10528/2021)

(FOR ADMISSION and I.R. and IA No.48322/2021-CONDONATION OF  
DELAY IN FILING and IA No.48317/2021-EXEMPTION FROM FILING C/C  
OF THE IMPUGNED JUDGMENT)

(For full cause title and details of the Court appealed from  
please see Schedule 'A' attached herewith)

**Date : 04-11-2022** These matters were called on for pronouncement  
of judgment today.

**CORAM :**

**HON'BLE MR. JUSTICE M.R. SHAH**  
**HON'BLE MR. JUSTICE M.M. SUNDRESH**

For Appellant

Mr. Y. Raja Gopala Rao, AOR  
Ms. Vismai Rao, Adv.  
Mr. Korada Pramod Kumar, Adv.  
Mr. Dhuli Gopi Krishna, Adv.

For Respondents

Mr. A.D.N. Rao, Sr. Adv.  
Mr. Annam Venkatesh, AOR  
Mr. Rahul Mishra, Adv.  
Mr. D. Shiva Shankar, Adv.  
Ms. Agrimaa Singh, Adv.  
Ms. Ritumbhara Garg, Adv.

Mr. Goli Rama Krishna, Adv.  
Mr. Sumanth Nookala, AOR

Mr. M. A. Chinnasamy, AOR  
Mr. Saurabh Gupta, Adv.

Ch. Leela Sarveswar, Adv.  
Mr. C. Raghavendren, Adv.

Ms. Aruna Gupta, AOR  
Mr. Ramesh Allanki, Adv.  
Mr. Syed Ahmad Naqvi, Adv.

Mr. Mahfooz Ahsan Nazki, AOR  
Mr. Polanki Gowtham, Adv.  
Mr. Shaik Mohamad Haneef, Adv.  
Mr T.Vijaya Bhaskar Reddy, Adv.  
Mr. K.V.Girish Chowdary, Adv.  
Ms. Rajeswari Mukherjee, Adv.  
Ms. Niti Richhariya, Adv.

The Petitions for Special Leave to Appeal along with Interlocutory Applications above-mentioned being called on for hearing before this Court on the **01<sup>st</sup> day of November, 2022**, UPON perusing the record and hearing counsel for the appearing parties above-mentioned, the Court granted special leave to appeal and took time to consider its Judgment and the appeals being called on for judgment on the **04<sup>th</sup> day of November, 2022**, THIS COURT for the reasons and observations recorded in its Judgment DOTH inter-alia PASS the following ORDER :

**"10. Even otherwise, in the present case, the University has adopted the digital evaluation which has been subsequently modified/improved and the deficiencies have been removed, which has now been approved by the High Court in the recent decision in Writ Petition No. 15865/2022. The digital evaluation process is reported to be scrupulously followed by the University. From the affidavit filed on behalf of the University on use of digital evaluation, it appears that all precautions are being taken to have the accurate evaluation digitally. There are specific instructions and trainings to the examiners while conducting digital evaluation. It is reported that the faculty has utilised the updated software by using the tools and annotations incorporated in the software adopted by the University. In any case, in absence of any regulation for re-evaluation of the answer scripts, either in the MCI**



rules or in the University Rules, the High Court is not justified in ordering re-evaluation of the answer scripts. As observed and held by this Court in the case of *Ran Vijay Singh (supra)*\* that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet.

11. In view of the above and for the reasons stated above, the common judgment and order passed by the learned Single Judge ordering re-evaluation of the answer scripts, confirmed by the Division Bench by the impugned common judgment and order, is unsustainable. However, as observed hereinabove, as the results of the original writ petitioners after re-evaluation or appearing in the supplementary examination have been declared, while quashing and setting aside the impugned common judgments and orders passed by the learned Single Judge as well as Division Bench of the High Court, the same shall not be affected and/or disturbed. The impugned common judgments and orders passed by the learned Single Judge as well as Division Bench ordering re-evaluation of the answer scripts in absence of any such provision in the relevant rules are hereby quashed and set aside. However, as observed hereinabove, the same shall not affect the declaration of the results of the original writ petitioners on re-evaluation or appearing in the supplementary examination.

12. Accordingly, both these appeals are allowed. No order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Uday Umesh Lalit, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 04<sup>th</sup> day of November, 2022.

  
(RAVINDRA K. RAKHEJA)  
ADDITIONAL REGISTRAR

Schedule 'A'

CA-8032  
IN THE SUPREME COURT OF INDIA  
[Order XXI Rule 3(i)(a)]  
CIVIL APPELLATE JURISDICTION  
SPECIAL LEAVE PETITION

(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION (C) NO. 6059/21 OF 2021  
(WITH PRAYER FOR INTERIM RELIEF)

IN THE MATTER OF: Against the Common impugned final  
Judgment/Order dated 31.10.2019 passed  
by the Hon'ble High Court of Judicature of  
Andhra Pradesh at Amaravathi in W.A. No.  
363 of 2019.

POSITION OF THE PARTIES

Between

Before  
High Court      Before  
this Court

1. Dr NTR University of Health  
Sciences  
Rep by its Registrar  
NH 16 Service Road, Vijayawada,  
Andhra Pradesh  
PIN-520008

Appellant      Petitioner

AND

- 1/ Dr. Yerra Trinadh  
S/o Y Markandeyulu, R/o MIG 77,  
Samatha Nagar, Pedagantyada  
Post, Visakhapatnam-530044,  
Andhra Pradesh.

Respondent      Contesting  
No. 1              Respondent  
No.1

- 2/ Dr. B Venkatesh  
S/o Srirama Murthy  
R/o Flat No. D2 MY Home Country  
Apartments, Near H P Gas  
Agency, Bypass Road, Tanuku,  
W.G. District, Andhra Pradesh.

Respondent      Contesting  
No. 2              Respondent  
No.2

- 3/ Dr. Krishna Mohan Rao Kotagairi  
S/o K Hanumantha Rao,  
R/o Door No. 402, 4<sup>th</sup> Floor,  
Surajya Krishna Towers  
Apartments,  
Chinna Waltair, Besides 10B ATM,  
Visakhapatnam-530017  
Andhra Pradesh.

Respondent      Contesting  
No. 3              Respondent  
No.3



- |       |   |                      |                                   |
|-------|---|----------------------|-----------------------------------|
| 4. ✓  | Dr. Penumaka Ravi Babu<br>S/o P Yesuratnam Late<br>R/o Door No. 74-5-2/1,<br>Kamayyathopu, Vijayawada,<br>Krishna District, Andhra Pradesh.   | Respondent<br>No. 4  | Contesting<br>Respondent<br>No.4  |
| 5. ✓  | Dr. Potluri Vinod<br>S/o Dr Potluri Visweswara Rao<br>Sri Venkateswara Nursing Home,<br>Opp: AGK High School<br>Municipal Office Road,<br>Gudivada, Krishna District,<br>Andhra Pradesh 521301.         | Respondent<br>No. 5  | Contesting<br>Respondent<br>No.5  |
| 6.    | Dr. Ranjith Babu Gundepogu<br>S/o Jaya Babu<br>R/o Door No. 26-1-114, 1 <sup>st</sup> Floor,<br>Gayatri Nagar, 4 <sup>th</sup> Street Nellore,<br>Andhra Pradesh 524004.                                | Respondent<br>No. 6  | Contesting<br>Respondent<br>No.6  |
| 7     | Dr. Veepanagandla Sai Tejaswini<br>D/o V Ramudu<br>R/o Door No. 1-904/A/1/5-5,<br>Flat No. 503, Sai Pavani Lotus<br>Apartments,<br>Chilakalaguda, Secunderabad,<br>Telangana State                      | Respondent<br>No. 7  | Contesting<br>Respondent<br>No.7  |
| 8. ✓  | Dr. B.H.H.K. Priyanka<br>D/o B V Narasimha Rao<br>R/o Door No. 29-33-19, Devi<br>Chowk<br>Opp: Siddhartha Children<br>Hospital, Lakshmivarupeta,<br>Rajamundry, E.G. District,<br>Andhra Pradesh 533101 | Respondent<br>No. 8  | Contesting<br>Respondent<br>No.8  |
| 9     | Dr. Meejuru Chandrakala<br>W/o Chintaginyala Mohan Rao<br>R/o Door No. 3-2-48/12,<br>Ramakrishnapuram,<br>Naidupeta, Nellore,<br>Andhra Pradesh.  | Respondent<br>No. 9  | Contesting<br>Respondent<br>No.9  |
| 10. ✓ | Dr. Mude Sarala<br>W/o Dr. M. Motilal<br>R/o Flat No. 301, Sai TejaNRL<br>Classic Apartments,<br>Srinivas Rao Thota, 9 <sup>th</sup> Lane,<br>Guntur-522004, Andhra Pradesh                             | Respondent<br>No. 10 | Contesting<br>Respondent<br>No.10 |



- |     |   |                      |                                   |
|-----|---|----------------------|-----------------------------------|
| 11. | Dr. Nazia Begum Mohammed<br>D/o Md. Usman,<br>R/o Plot No. 49A, Visalandhra<br>Colony, Sundaralah Nagar,<br>Prakash Nagar,<br>Vijayawada 520015<br>Krishna Dist., Andhra Pradesh                  | Respondent<br>No. 11 | Contesting<br>Respondent<br>No.11 |
| 12  | Dr. Putcha Anusha<br>D/o Putcha Sudhakar<br>R/o Door No. 5-90-57/5/3,<br>Chandramouli Nagar,<br>Gunture 522007, Andhra Pradesh.   | Respondent<br>No. 12 | Contesting<br>Respondent<br>No.12 |
| 13  | Dr. Mudamanchu Vamsi Krishna<br>S/o Mudamanchu Venkateswarlu<br>R/o Door No. 58-5-19, F-6,<br>Madhu Towers, Santhapeta,<br>Opp: Natu Babu Rao Park, Ongole,<br>Prakasam Dist.,<br>Andhra Pradesh. | Respondent<br>No. 13 | Contesting<br>Respondent<br>No.13 |
| 14. | Dr. Valapala Venkatesh<br>S/o Valapala Kanthi Sekhar<br>R/o H.No. 45-37-1/3,<br>Narasimha Nagar, Near Rythu<br>Bazar, Salagramapuram Post,<br>Visakhapatnam Urban,<br>Andhra Pradesh.             | Respondent<br>No. 14 | Contesting<br>Respondent<br>No.14 |
| 15. | Dr. Ch. Mogulesh<br>S/o Ch. Lingam<br>R/o H.No. 8-15-51/1, Plot No. 51,<br>Road No.2, Sadguru Nagar,<br>L.B. Nagar, Hyderabad,<br>Ranga Reddy Dist-500074,<br>Telangana State.                    | Respondent<br>No. 15 | Contesting<br>Respondent<br>No.15 |
| 16. | Dr. Medabalimi Vivek<br>S/o Balaraju Medabalimi<br>R/o D. No. 57-6-8, Dhanalakshmi<br>Residency, Flat No. 401, Old Post<br>Office Road, Patamata,<br>Vijayawada Urban,<br>Andhra Pradesh 520010   | Respondent<br>No. 16 | Contesting<br>Respondent<br>No.16 |
| 17. | Dr. Puskoor Tamrun<br>S/o Puskoor Manohar Rao<br>R/o Flat No. 704, Ashoka Lane<br>View Apartment, Kundan Bagh<br>Colony, Begumpet,<br>Hyderabad 500016<br>Telangana State                         | Respondent<br>No. 17 | Respondent<br>No.17               |

18. Dr. Akanksh Dubey  
S/o Ravindra Prasad  
R/o Plot No. 27 and 28,  
Lakshmi Vihar 02, Nallaganolla  
Village, Serilingampalli,  
Hyderabad 500019,  
Telangana State.

Respondent      Contesting  
No. 18              Respondent  
No.18

19. Dr. Pavan Kumar Allakonda  
S/o Pumanand  
R/o H.No. 17-54, Opp. Post Office,  
Luxettipet Dist, Mancherial-  
504215, Telangana State.

Respondent      Contesting  
No. 19              Respondent  
No.19

20. Dr. Kanaka Durga Devt Parupatli  
D/o P Paraneshwar  
R/o Plot No. 75, Road No.3,  
Citizen Colony, Behind, VBR  
Garden, Old Alwal,  
Secunderabad, Telangana State.

Respondent      Contesting  
No. 20              Respondent  
No.20

21. Dr. N. Priyadarshini  
W/o K Balamurali Krishna  
R/o Door No. 32-31-9/1, Venkata  
Swamy Street, Machavaram,  
Vijayawada-520004, Krishna  
District, Andhra Pradesh.

Respondent      Contesting  
No. 21              Respondent  
No.21

22. Dr. Sunil Dath Sodha  
S/o S.Bisan Dath  
R/o H.No. 5-11-694, Prem Nagar  
Colony, Naim Nagar,  
Hanmakonda, Warangal Dist.,  
Telangana State.

Respondent      Contesting  
No. 22              Respondent  
No.22

23. Rajani R  
W/o J. Venkata Siva  
R/o 45/108, Chemmumaipet,  
Cuddapah, Andhra Pradesh.

Respondent      Contesting  
No. 23              Respondent  
No.23

24. The State of Andhra Pradesh  
Rep. by its Secretary, Medical  
Health and Family Welfare  
Department, Secretariat Buildings,  
Velagapudi, Gundur District,  
Andhra Pradesh.

Respondent      *Proforma*  
No. 24              Respondent  
No.24

25. The Vice Chancellor  
Dr. NTR University of health  
Sciences  
Vijayawada, Andhra Pradesh.

Respondent      *Proforma*  
No. 25              Respondent  
No.25

11 (9-22)

IN THE SUPREME COURT OF INDIA

[Order XXI Rule 3(i)(a)]

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION

(Under Article 136 of the Constitution of India)

CA-8038/22

SPECIAL LEAVE PETITION (C) NO. 10528/21 OF 2020  
(WITH PRAYER FOR INTERIM RELIEF)

IN THE MATTER OF: Against the Common impugned final  
Judgment/Order dated 31.10.2019 passed  
by the Hon'ble High Court of Judicature of  
Andhra Pradesh at Amaravathi in W.A No.  
364 of 2019.

POSITION OF THE PARTIES

Between

Before  
High Court

Before  
this Court

1. Dr NTR University of Health  
Sciences  
Rep by its Registrar  
Vijayawada,  
Andhra Pradesh 520008

Appellant

Petitioner

AND

1. A. Rasmi  
D/o Justice A Ramalingeswara Rao  
Student  
R/o.Sai Rachana, 7-56/177,  
Prasanthi Hills Colony, Khajaguda  
Road, Raidurg, Hyderabad 500 104  
Telangana.

Respondent  
No. 1

Contesting  
Resp.  
No.1

2. Alluri Seetharama Raju Academy of  
Medical Sciences  
Rep by its Correspondent Eluru  
West Godavari District  
Andhra Pradesh.

Respondent  
No. 2

Contesting  
Resp.  
No.2



TO,

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF  
THE HON'BLE SUPREME COURT OF INDIA

10

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. That the Special Leave to Appeal is filed against the impugned final Judgment/Order dated 31.10.2019 passed by the High Court of Andhra Pradesh <sup>at Amaravathi</sup> in W.A No. 364 of 2019 ; whereby the Hon'ble High Court erroneously dismissed the Writ Appeal filed by the Petitioner without appreciating that the Judgment is running contrary to the catena of Judgments passed by this Hon'ble Court, the Regulations of the Medical Council of India and the Regulations of Petitioner-University.
- 1A That the impugned Order was passed by the Hon'ble High Court of Andhra Pradesh at Amaravathi. Inadvertently, in the impugned Order, the place of High Court "At Amaravathi" is not mentioned. It is very clear that the impugned order was passed by the High Court of A.P.

**2. QUESTIONS OF LAW:**

The following questions of law of general public importance arise for the consideration of this Hon'ble Court in the present Special Leave Petition: -

- (I) Whether the Hon'ble High Court is justified in directing the Petitioner-University for revaluation of various candidates appeared for the examination of MBBS / PG in the absence of any rules for providing revaluation of answer sheets either in the MCI Regulations or in the Petitioner-University Regulations?
- (II) Whether the Hon'ble High Court is justified in passing the impugned Judgment /Order contrary to the Judgments passed by this Hon'ble Court in the case of Pramod Kumar Srivastava Vs Chairman Bihar Public

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8037 OF 2022  
(Arising out of Special Leave Petition (C) No.6059/2021)

Dr. NTR University of Health Sciences

...Appellant

Versus

Dr. Yerra Trinadh & Others

...Respondents

WITH

CIVIL APPEAL NO. 8038 OF 2022  
(Arising out of Special Leave Petition (C) No.10528/2021)

DECREE ALLOWING THE APPEALS.  
NO ORDER AS TO COSTS.

Dated this the 04<sup>th</sup> day of November, 2022.

SEALED IN MY PRESENCE

Mr. Y. Raja Gopala Rao,  
Mr. M. A. Chinnasamy,  
Mr. A. Venkatesh,  
Mr. Mahfooz Ahsan Nazki,  
Ms. Sumanth Nookala,  
Ms. Aruna Gupta,  
Advocate on Record for the  
appearing Parties.