

(1995) 10 KAR CK 0002

In the Karnataka High Court

Case No : Writ Petition No"s. 29202 to 29219 of 1995

Ajay Khatri

APPELLANT

Vs

Mysore University

RESPONDENT

Date of Decision : 31-10-1995

Acts Referred:

Citation : (1995) ILR (Kar) 3373 : (1995) 6 KarLJ 569

Hon'ble Judges : G.C. Bharuka, J

Bench : Single Bench

Advocate : C.V. Kumar, for the Appellant; V.C. Brahmarayappa, for R-1 to R-3, for the Respondent

Final Decision : Dismissed

Judgement

Bharuka, J.—I have heard the learned Counsel for the petitioners and the respondents. The statement of objections has already been filed on behalf of the respondents and with the consent of the parties the Writ Petitions are being finally disposed of.

2. The petitioners who are all medical students had appeared for IV Year B.D.S., examination held by the respondent University at Hassan. The 4th respondent College is situated at Mysore. The examinations were held between 15.7.95 to 31.7.95. The practical examination of "Oral Medicine & Roentgenology was held on 29.7.95. But the same was cancelled by the University authorities as per the communication Annexure "B" and the petitioners along with other students were directed to appear for fresh examination to be conducted at J.S.S. Dental College, Mysore, during 3.8.95 to 5.8.95, as is evident from impugned communication Annexure "B". The petitioners instead of participating in the said examination have preferred to file these Writ Petitions challenging the validity of the notice Annexure "B" on the ground that it is arbitrary and unsustainable in law.

3. In the Statement of Objections filed on behalf of the University it has been

stated that the necessity of issuing Annexure "B" had arisen because of serious allegations against one of the internal examiner namely, Dr. Radhakrishna who was conducting the "Oral Medicine & Roentgenology" examination of these petitioners. The allegation was that he had collected money from the students who had appeared for the aforesaid paper in order to favour them. It has also been alleged that the police had arrested the said Dr. Radhakrishna after having found some marked notes with the examiner. It is an admitted fact that on the date of the examination Rs. 54,000/- was seized from the rooms of the one of the examinee which is said to have been collected by the examiner for showing unwarranted favour, It has also been stated that the decision of cancelling the said examination and holding of a fresh examination have been duly ratified by the Syndicate which is the competent authority in the matter of conducting University examination.

4. Keeping in view the facts brought on record in my opinion this Court cannot interfere with the decision of the respondents as reflected in the impugned notice. The circumstances disclosed in the Statement of Objections are sufficient for the academic authorities to cancel the examination as a whole to maintain its purity and educational standards. In such matters decision has to be taken at times instantaneously without going for a detailed enquiry. The availability of the materials which can reasonably give rise to strong suspicions of adopting unfair means by most of the examinees are sufficient for exercise of discretionary powers of the Examining Authorities in cancelling the Examination.

5. In the case of The Bihar School Examination Board Vs. Subhas Chandra Sinha and Others, it. has been held that it is the Universities who are responsible for their standards and the conduct of examinations. The essence of the examinations is that the worth of every person is appraised without any assistance from an outside source. It has also been held by Their Lordships that it is for the examining body to cancel its own examination when it was satisfied that the examination was not conducted or that in the conduct of the examination the majority of the examinees had not conducted themselves as they should have. In Their Lordships view to make such decisions depend upon a full fledged judicial inquiry would hold up the functioning of the autonomous bodies as Universities and School Board. Accordingly it was held that in such matters it is not proper for the High Court to interfere, with such decisions.

6. Keeping in view the law laid down by the Supreme Court and the circumstances as appearing from the pleadings of the parties I do not find any good reason which requires interference of this Court.

7. Writ Petitions are accordingly dismissed. But I find it essential to observe that since the date fixed under Annexure "B" for the examination has already expired it is incumbent upon the respondent-University to hold the said examination by setting out a fresh time Schedule as expeditiously as possible, so that the petitioners may pursue their further studies, either by holding separate

examination, if it is found to be advisable, or permit them to take next general examination.