
(2002) 09 RAJ CK 0061

In the Rajasthan High Court

Case No : Civil Writ Petition No. 3303 of 2002

Chand Mal Regar

APPELLANT

Vs

MDS University and Others

RESPONDENT

Date of Decision : 09-09-2002

Acts Referred:

Citation : (2004) 2 RLW 1233

Hon'ble Judges : Jagat Singh, J

Bench : Single Bench

Advocate : R.S. Chaudhary, for the Appellant; G.K. Vyas, for the Respondent

Final Decision : Allowed

Judgement

Jagat Singh, J.—Heard learned counsel for the parties.

2. The petitioner appeared in B.Sc. 1st year Examinations, 2001 conducted by the respondent University and was declared failed in two subjects vide marksheet Annex. 1. The petitioner applied for re-evaluation in three subjects and deposited requisite fee vide Annex.2 After the re-evaluation, petitioner was declared passed vide Annex. 3 dated 9.3.2002 and corrected marksheet Annex.4 was issued on 5th March, 2002. Meanwhile petitioner was permitted to appear in B.Sc. Part II Examination and he deposited requisite fee vide Annex.5 and 7. The respondents also issued identity card Annex.8 but the University has shown the petitioner absent in IIIrd paper of Chemistry vide Annex.9.

3. The submissions of learned counsel for the petitioner are that the University issued corrected marksheet on 16.8.2002 (Annex.10) where as B.Sc. II examination was held in April, 2002. Similarly, practical examination of B.Sc. II examinations was held in first week of March, 2002. Therefore, the petitioner could not appear in the practical examination of B.Sc. II year. Therefore, the petitioner could not appear in the practical examination of B.Sc. II year. It was submitted that it is no fault of the petitioner not to appear in the practical examinations of B.Sc. II year because after the re-evaluation, the marksheet was

issued to him on 16.8.2002 and before that the practical examinations of B.Sc. II year were held. Hence, petitioner was not able to appear in the practical examinations.

4. On the contrary, learned counsel for the respondents submitted that vide Annex.3 on 9th March, 2002, result of re- evaluation was intimated to the petitioner and he was permitted to appear in the Part II B.Sc. Thereafter, he could not appear in practical examinations of B.Sc. II year.

5. I have carefully considered the rival submissions.

6. It has not been specifically disclosed by the respondents that when practical examinations of B.Sc. II year were held after 9th March, 2002, whether petitioner was permitted to appear in the practical examination. In such situation, submissions of learned counsel for the petitioner are tenable that the respondents disclosed the result of re-evaluation after the date of practical examination of B.Sc. II year and he could not appear in it.

7. Consequently, there is merit in this petition and the same stands accepted. The respondents are directed to permit the petitioner to appear in B.Sc. II year Practical examinations, as and when the same are held. Simultaneously, the respondents are directed to permit the petitioner to appear for B.Sc. IIIrd year examinations, subject to condition that after adding marks of practical examinations of B.Sc. II year, he is declared successful in B.Sc. II year. Petitioner may be permitted to appear in B.Sc. IIIrd year as private student, on the condition that result of his B.Sc. III year examination will be declared only when petitioner is found passed B.Sc. II year after adding the marks of B.Sc. II practical examination.