
(1984) 05 OHC CK 0003

In the Orissa High Court

Case No : Original Jurisdiction Case No. 2191 of 1983

Chapala Kumari Naik

APPELLANT

Vs

Registrar, Utkal University and Another

RESPONDENT

Date of Decision : 07-05-1984

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1984) 2 OLR 648

Hon'ble Judges : P.C. Misra, J;G.B. Patnaik, J

Bench : Division Bench

Advocate : P. Palit and M.K. Mallick, for the Appellant; S.C. Mohapatra and A.K. Sahoo, for the Respondent

Judgement

P.C. Misra, J.—The petitioner was an examinee in the Bachelor of Education Examination held in the month of May, 1982. She has prayed in this writ application for appropriate direction to be issued for re-valuation of her answer paper in Paper II by a competent examiner. Having heard the learned counsel for the petitioner, we directed the question paper and the answer paper of the petitioner to be produced in Court and pursuant to the said order, the question paper and the answer paper have been produced.. After perusing the same, we find that there is some confusion in evaluating the answers. The petitioner was required to answer four questions from Group "A" and one from Group "B". The petitioner has answered questions Nos. 1, 2, 4 and 8 out of Group "A". While answering question No. 8 which requires her to write short notes on any two of the subjects given there-under, she has put numerical number against different paragraphs, all of which together constitute the answer to that question. The examiner has evaluated the answer to question No. 8 and has proceeded on the assumption that question No. 2 had already been answered under a confusion that paragraph marked-as No. 2 under question No. 8 is the answer to question No. 2. Therefore, the answer to question No 2 which was answered last has been indicated to be an extra answer,. He has, therefore, not evaluated the answer to question No 2 at all. We are satisfied that the answer to question No. 2 should

have been evaluated and the same should have been added to the marks obtained by the petitioner in that Paper. The result has been that the answers to three questions out of Group "A" in Paper II have been evaluated though the petitioner has answered four questions.

2. In the circumstances, we would direct that the answer to question No. 2 which has been indicated in the answer paper by the examiner as an extra answer be evaluated and the marks awarded be added to the marks obtained by the petitioner. Since there has been a confusion while evaluating the answer to question No. 8, it is appropriate that both questions Nos. 2 and 8 be evaluated. The evaluation be made by the examiner who had examined the answer paper, if available, or by the Chief Examiner. After evaluating the paper as indicated above, the petitioner be dealt with in accordance with the Rules and Regulations prescribed by the University within six weeks hence.

3. In the result, therefore, we set aside the result as declared by the University relating to the petitioner or the examination in question and the writ application is accordingly disposed of with the aforesaid directions.

There would be no order as to costs.

G.B. Patnaik, J.

4. I agree