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**(1979) 10 KAR CK 0015**  
**In the Karnataka High Court**  
**Case No : W.P. 1502/79 etc**

Giri Parasnath

APPELLANT

Vs

Karnataka University and Others

RESPONDENT

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**Date of Decision :** 16-10-1979

**Acts Referred:**

**Citation :** (1980) 1 KarLJ 279

**Hon'ble Judges :** Rama Jois, J

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### **Judgement**

1. The petitioners in all these writ petitions are aggrieved by the, order passed against them by the Karnataka University finding them guilty of malpractice at IInd Year Engineering Examination held in May. 1978 and consequently cancelling their performance at the said examination.

2. As the cases involve common question of law and fact, they are being disposed of by this common order.

3. As the facts are all similar, I am only referring to the facts in W.P. No. 1502 of 1979. The petitioner appeared for IInd Year Engineering (Mechanical) Examination held in May, 1978 at Sri Basaveswara Engineering College Centre, Bagalkot. Though no malpractice was reported by the invigilators, all the Examiners who valued the papers of the petitioners and others who took the examination in the aforesaid centre reported that the students who took the examination at the said centre had indulged in malpractice. This inference was drawn on the basis of sterotyped answers found in the answer books of the students. Thereafter, the Malpractice Cases Consideration Committee considered the report of the Examiners and came to the conclusion that each of the petitioners was guilty of malpractice. On the basis of the said finding recorded by the Malpractice Cases Consideration Committee, individual orders were issued to all the petitioners cancelling their performance at the examination held in May, 1973. Aggrieved by these orders, the petitioners have presented these writ petitions.

4. Though the impugned orders communicated to the petitioners stated that before recording a finding against them they were interrogated personally, the words "and interrogating you personally" incorporated in each of the orders were subsequently deleted on the ground that the same was incorporated by mistake.

5. The contention of the petitioners is that they have been found guilty of malpractice without giving them an opportunity and therefore, the impugned orders are liable to be quashed on the ground of violation of principles of natural justice. Sri V.S. Gunjal, learned Counsel appearing for the University, however submitted that on receipt of reports by several Examiners that there had been a large scale malpractice of copying at Sri. Basaveswara Engineering College Centre, Bagalkot, the University decided to cancel the result of the examination from the said centre and to allow the student's to take a fresh examination and for doing so, it was not obligatory on the part of the University to give any opportunity to every individual student.

6. It is no doubt true that if the University wants to cancel the performance of all the students at a certain examination on being satisfied that there has been large scale malpractice or leakage of question papers or for such similar reason, the University has the necessary power and such power is incidental to the holding of examination and also the obligation on the part of the University to maintain purity of examinations. If such a decision is taken, it would not be necessary for the University to give notice to each individual student. (See The Bihar School Examination Board v. Subhas Chandra Sinha, AIR 1970 SC. 1269.

7. In the present case, that was not the step taken by the University. Individual orders have been communicated to all the petitioners finding them guilty of malpractice. Such an order communicated to the petitioners certainly attaches stigma to their conduct. It condemns them without giving them an opportunity. Therefore, the impugned orders are clearly opposed to principles" of natural justice and, therefore, liable to be quashed.

8. For the reasons aforesaid. I make the following order:

(i) Rule made absolute.

(ii) Each of the orders impugned in each of the writ petition is quashed.

(iii) The University is at liberty either to hold a fresh enquiry against the individual petitioner in conformity with the principles of natural justice or to take a general decision for the cancellation of the performance of all the students who had appeared for II Year B.E. Examination at Sri Basaveswara Engineering College Centre, Bagalkot, in May, 1978 and to direct them to take fresh examination if not already taken.

(iv) No Costs.