

(2009) 04 KAR CK 0059
In the Karnataka High Court
Case No : Writ Appeal No. 1306 of 2009

Giridhar Vijay Nair

APPELLANT

Vs

Visveswaraya Technological University and M.S. Ramaiah
Institute of Technology

RESPONDENT

Date of Decision : 20-04-2009

Acts Referred:

Citation : (2009) 5 KarLJ 163

Hon'ble Judges : P.D. Dinakaran, C.J;V.G. Sabhahit, J

Bench : Division Bench

Advocate : Indus Law Associates, for the Appellant;

Final Decision : Dismissed

Judgement

V.G. Sabhahit, J.—This appeal is filed by the petitioner in W.P. No. 6518/2009 being aggrieved by the order dated 1.7.3.2009 wherein the learned Single Judge has dismissed the writ petition declining the prayer of the petitioner to conduct revaluation of the petitioner's answer script for the fifth semester examination.

2. The appellant herein filed W.P. No. 6518/2009 seeking for revaluation of petitioner's answer scripts for the fifth semester examination viz "Solid state devices and technology". It is averred in the petition that petitioner joined BE course in Electronics and Communication subject offered by the second respondent-College comprising of eight semesters. It is further averred that a student entering into the seventh semester must have successfully passed all of his examinations for the first two years and all of his examinations for the third year, save four of them. The petitioner was regularly attending classes and was performing quite well in the examinations, getting first class marks in several examinations. When the petitioner entered the fifth semester, he had only two subjects which were being carried from 3rd and 4th semesters. The petitioner has been suffering from ill health for a long time, at the age of about 8, petitioner was diagnosed with temporal lobe epilepsy from which he was suffering for many years, which adversely affected his academic performance, he

was also suffering from a heart condition known as mitral valve prolapse. When petitioner was attending the fifth semester, he began to fall ill with frequent complaints of severe nausea, stomach ache and indigestion. In the fifth semester, there were totally eight examinations i.e. two laboratory examinations and six theory examinations to be attended by petitioner. The petitioner attended the laboratory examinations and successfully secured passing marks. The theory examinations were conducted by the end of December, 2007, the petitioner's illness became acute. Since the petitioner did not pass the fifth semester, he wrote all of the fifth semester examinations along with the sixth semester examinations. In addition to this, he also had two subjects which were carried forward for the first and second years. Thus, in all, in the month of July, 2008, the petitioner had taken examination in 16 subjects. The petitioner could attend only thirteen examinations out of sixteen examinations. He successfully secured passing marks in all of the said thirteen examinations except for two examination (one from the fifth semester and one from the sixth semester). Though he had secured adequate marks in the internal examinations. It is further averred that petitioner applied for revaluation of answer scripts. However, even after revaluation, results remained the same i.e. 31 marks and in the second revaluation, he was awarded 30 marks. Petitioner again made an application for review, the said application was rejected and being aggrieved by the same, writ petition was filed seeking for revaluation of papers.

3. The learned Single Judge after hearing the learned Counsel appearing for the petitioner by his order dated 17.3.2009 held that the answer scripts of the petitioner was valued twice. In the first revaluation, he secured 31 marks and in the second revaluation, he was given 30 marks and there is no provision for third revaluation by the independent authority and therefore, the learned Single Judge dismissed the writ petition and being aggrieved by the said order of dismissal of the writ petition dated 17.3.2009, the writ petitioner has preferred this appeal.

4. We have heard the learned Counsel appearing for the appellant.

5. Learned Counsel appearing for the appellant submitted that the appellant's answer scripts may kindly be revalued and the learned Single Judge was not justified in dismissing the writ petition.

6. We have given careful consideration to the contention of the learned Counsel appearing for the appellant and scrutinised the material on record.

7. The material on record would clearly show that in the first revaluation petitioner had secured 31 marks and in the second revaluation he was awarded 30 marks, again petitioner made an application for third revaluation by an independent authority. Since there is no provision for third revaluation by an independent authority, the said request of the petitioner was rejected and having regard to the said material facts, it is clear that the learned Single Judge has rightly dismissed the writ petition as there is no provisions for third revaluation by an independent authority and the impugned order passed by the learned

Single Judge is justified and does not suffer from any error or illegality as to call for interference in this intra court appeal.

According, the writ appeal is dismissed.