

(2014) 04 KAR CK 0250

In the Karnataka High Court

Case No : Writ Petition Nos. 57170 to 57174 of 2013 (EDN.-RES)

Iftiqar Ahmed Shariff

APPELLANT

Vs

The Vice Chancellor

RESPONDENT

Date of Decision : 07-04-2014

Acts Referred:

Citation : (2014) 04 KAR CK 0250

Hon'ble Judges : Anand Byrareddy, J

Bench : Single Bench

Advocate : S.B. Mukkannappa, Advocate for the Appellant; C. Jagadish, Advocate for R1 to R31, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Anand Byrareddy, J.—The learned Government Advocate to take notice for the respondent No. 4.

2. The petitions coming for preliminary hearing, are considered for final disposal having regard to the facts and circumstances.

3. The learned counsel for the petitioners as well as the respondent Nos. 1 to 3 and the learned Government Advocate are heard.

4. The petitioners are said to be the students of Master of Science of Geology in the Bangalore University. They had completed their Degree in Bachelor of Science and took up Master of Science course in the year 2009. The course consists of four semesters. The petitioners were regular students and had attended all the classes both practical and theory and their percentage of attendance far exceeded the prescribed minimum. There were 11 students to the Master of Science Degree in the year 2009-10 and all of them had succeeded in the first three semesters and they had secured well in all these semesters. For the 4th semester, the petitioners had completed their study under Reader Shri Channbasappa S., Reader Shri N. Malarkodi, Professor T.S. Suresh, Nagesh and Prabhakar who were the teaching staff. It transpires that there were certain

differences between the petitioners and the Professors as regards the practical classes for the 2nd semester and this had clustered in the relationship between the teachers and the petitioners. It transpires that the University Grants Commission Net examination and part No. 402 of Master of Science were all scheduled to be held on the same day. The petitioners had approached the Professors seeking postponement of examination to be held on 20.6.2011 onwards. It was accordingly postponed to 29.6.2011 but the petitioners were not permitted to attend the examination on the ground that there was shortage of attendance when to their knowledge there was no such shortage of attendance. It is in this background that they had approached the Vice Chancellor as well as the Chancellor, the Minister for Education, the Student Welfare Department of the University, the Registrar and the Registrar (Evaluation) seeking their intervention. The Emergency Department Council meeting of Geology was held on 20.6.2011. The petitioners were then permitted to take their examination pursuant to the decision of the Council and those who were denied admission to the examination earlier, prior to 17.6.2011, were also permitted to take the examination. Insofar as the particular paper No. 401 Micro Paleontology and Marine Geology, it transpires that the petitioners were not kept informed of the dates of examination and seminars, in the notice board. Consequently, the petitioners had failed to take the said paper. In this background, at the instance of the petitioners, the 4th respondent had instituted an enquiry and they attended the enquiry held on 6.8.2011 and placed all the material records to demonstrate their case before the Committee. The Committee decided in their favour holding that the petitioners were not allowed to attend paper No. 401 Micro Paleontology and Marine Geology and directed to "make up" examination and their results were to be announced at the earliest. However, the examination was conducted in the first week of November 2011, only for four students and not including the petitioners. Therefore, the petitioners had made a further representation to the 2nd respondent and had approached this Court by way of writ petitions in W.P. Nos. 37910-37916/2011 seeking appropriate directions to the respondents to permit the petitioners to take paper No. 401 of the said subject in the 4th semester for the year 2010-11. On the respondents appearing, they had stated that the petitioners would be permitted to take the examination and accordingly, the writ petitions were withdrawn. Thereafter, the President of the Bangalore University Teachers' Council had requested the 3rd respondent to conduct the examination of the petitioners in view of the recommendations by the Enquiry Committee. However, the University did not take any immediate decision. The petitioners did however appear for the 4th semester examination and passed in all the subjects. This Court, by its order dated 16.11.2012 had held as follows:

8. However, it is for the respondent University to reconsider the recommendation of the enquiry committee. If the petitioners were not permitted to appeal for the examination as notified earlier or well in advance to appear for the examination to be held pursuant to the recommendation by the enquiry committee,

necessarily it is for the respondent University to act as per the recommendations of the enquiry committee if not already conducted, to do fee needful in accordance with law. If they consider the grievance of the petitioners, they shall not be treated as repeaters and they shall be treated as fresh candidates as they are not permitted to appear for the examination.

With these observations, the writ petitions stand disposed off.

5. However, contrary to the said directions, the respondents failed to issue fresh consolidated marks card and even after lapse of six months, no steps were taken. It is in this background that the petitioners are before this Court.

6. Given the above circumstances which are not in serious dispute, the respondents are directed to issue a fresh consolidated marks card of Master of Science course for the petitioners for the batch 2009-2011 as sought for by the petitioners in their written representation dated 21.6.2012 and the respondents shall do so forthwith and in any event within a period of two weeks from the date of receipt of copy of this order.