
(1996) 04 AHC CK 0139
In the Allahabad High Court
Case No : Writ Petition No. 2166 (MS) of 1995

Kumari Poonam Misra

APPELLANT

Vs

Hindu Kanya Mahavidyalaya and Others

RESPONDENT

Date of Decision : 03-04-1996

Acts Referred:

Citation : (1996) 3 UPLBEC 1968

Hon'ble Judges : Shobha Dikshit, J

Bench : Single Bench

Advocate : H.N.B. Sinha, for the Appellant; P.C. Rastogi, for the Respondent

Judgement

Shobha Dikshit, J.—Petitioner is a student of Hindu Kanya Mahavidyalaya, Teachers Training and Post Graduate College, Sitapur and had joined B. A. course. It is a three years" course. She was a regular student and appeared for B. A. Ist year in the year 1991 and was declared passed by the University of Kanpur. The mark-sheet for B. A. 1 is annexed as Annexure 1 to the writ petition. Petitioner took admission again in B.A. IInd year as per rules and appeared for annual examination in the year 1994 as a regular student, in three subjects viz., Hindi Literature, Education and Sociology. Her roll number for B. A. IInd year was 231500. When she received her mark-sheet for the B. A. IInd year after the declaration of the result, she had been shown absent in all the papers of Sociology. The mark-sheet for this year too has been annexed as Annexure 3 and in these circumstances, she was declared fail. On receiving the said mark-sheet, she approached the authorities and represented that she had appeared in all the papers and, therefore, there appears to be some mistake and the result of the same be corrected and meanwhile, she be permitted to join B. A. IIIrd year. The Principal of the Institution verified the fact that she had appeared in all the three papers of Sociology for B. A. IInd year. However, the University paid no heed to this but since the Principal apprehended some mistake in the computation of the result, therefore, he permitted the Petitioner to take admission in B. A. IIIrd year. She was permitted by the University also to appear in the examination of B.

A. IIIrd year in the year 1995 and her roll number was 321606. The University meanwhile took no steps to find out the mistake and make the necessary correction, rather it withheld the declaration of the result of B. A. IIIrd year. Since that day, the Petitioner is constantly representing the concerned authorities but when they failed to respond, she approached this Court for redressal of her grievance that for no fault of her, her result of B. A. Part III is not being declared and she is not being permitted to pursue her studies any further. She tried to get admission in M. A. Part I but in view of the fact that the result of B. A. Part III was not declared, the University authorities neither corrected her mark-sheet nor granted her admission in M. A. Part I. This Court vide its order dated 17.10.1995 issued show cause notices to the opposite parties to file a counter-affidavit but the University failed to do so. Thereafter the matter was again taken up on several dates and at last on 14.2.1996, an order was passed that if the opposite parties will not appear or shall not be represented through a counsel on the next date, the matter will proceed ex parte on the next date, i.e., 27.2.1996. A certified copy of this order was directed to be served on the University so that they may appear personally or make a suitable arrangement as it was informed that the learned Counsel engaged by the University was not keeping well. The certified copy of the order was accordingly served on the University by the Petitioner. On 27.2.1996, when the case came up, the Registrar of the University was directed to produce the mark-sheets of the Petitioner for B. A. I, II and IIIrd year in all the subjects on the next date of listing and the case was directed to be listed on 29.2.1996. On 29.2.1996, one Sri P. C. Dwivedi, Administrative Officer, Legal Cell of the Kanpur University appeared in person alongwith a counsel and produced the attested copies of the conterfoils of the mark-sheets which showed that the marks were duly awarded to the Petitioner by the Examiners. However, it was noticed that the roll number of the Petitioner was missing from the mark-sheet but Petitioner was not marked absent as was the stand of the University. On enquiry being made from the concerned official who was personally present in the Court, he failed to explain the reasons for the same and for not declaring the result of the Petitioner when she was not absent. He, however, informed the Court that enquiry in this regard is already under progress and some more time was sought to complete the enquiry. Time was accordingly granted and extended and thereafter ultimately the University accepted that there was mistake in awarding marks against the roll number allotted to the Petitioner for B. A. IIIrd year and that is why her marks could not be added and shown in the mark-sheet, and by mistake she was shown absent. A perusal of these facts clearly reveal the plight of a student in the hands of the University and its authorities. Practically one year has passed and the authorities paid no attention to the continuous cry of the Petitioner that she had appeared in the examination and was not absent as verified by her Principal even then the authorities stuck of their stand and did not take any action within a reasonable time, the result being that the Petitioner has wasted very valuable time of her student career.

2. Learned Counsel for the Petitioner informs that now the University has

supplied original mark-sheet to the Petitioner in the subject of Sociology which shows that she has passed but the University has till date not declared her result.

3. I have heard learned Counsels for the parties and the facts themselves are sufficient to show the complete apathy and the callousness of the University authorities. An innocent student has been a victim of their indifferent attitude and as observed above, the Petitioner has already wasted very valuable time of her student life and has suffered great mental strain, agony and a sense of shame because her result was not declared alongwith her own classmates. The question, therefore, arises as to how to compensate her. The time lost can never be compensated in such circumstances. But some monetary compensation can be provided by the Courts of law with the hope that such incidents do not reoccur and the authorities wake up from their slumber and start reacting to the problems of the students. In these circumstances, while allowing the writ petition and issuing a writ of mandamus to the University of Kanpur and its authorities to declare the result of the Petitioner within 3 days of the receipt of the certified copy of this judgment, they shall also pay Rs. 10,000 (Rs. Ten Thousand) to the Petitioner as cost within a period of four weeks from the said date of receipt of the copy of the judgment. The Registrar of this University shall file an affidavit of compliance of this order in this Court within two months from today.