
(2005) 08 KAR CK 0038
In the Karnataka High Court
Case No : Writ Petition No. 16140 of 2005

Mrittika Sen Gupta

APPELLANT

Vs

The Chairman, Bangalore University and Others

RESPONDENT

Date of Decision : 10-08-2005

Acts Referred:

Citation : (2005) ILR (Kar) 4110 : (2005) 3 KCCR 230 SN

Hon'ble Judges : R. Gururajan, J

Bench : Single Bench

Advocate : Jayakumar S. Patil, sisted with and R. Anitha, for the Appellant;
Jaweed Ahmed Khan, for the Respondent

Judgement

R. Gururajan,J.

1. Petitioner a post graduate student is before me seeking for a direction to furnish answer scripts with Registration No. 02BMS and the pattern of allotment of marks for each question in the revalue paper in Microbial Technology III (theory) with paper code MBP-403 of MSc IV Semester conducted by the Bangalore University during the month of June,2004. Petitioner also wants other directions in the given circumstances.

Petitioner after completing her B.Sc, for in the year 2002, pursued her studies in M.Sc, Micro Biology in PES college and successfully completed all the first three semesters in first class. She took her fourth semester in the month of June, 2004. Surprisingly, she found that the marks obtained by her Micro Biology was only 17 out of 80. She applied for challenge revaluation. She however approached the custodian of marks for clarification. He gave the information that the petitioner had actually obtained 59 marks in her first valuation and as per the rules, if any candidate obtains more than 70% in any PG Course, it is sent for a second valuation. If there is any discrepancy in the valuation and the difference is more than 17 marks between the first and the second valuation, it is sent for Board valuation. It was further informed that the petitioner's marks were 32, 59

and 17 in the first, second and Board valuation respectively. After eight months, she was provided 19 marks in terms of the challenge valuation proceedings. Aggrieved by this petitioner is before me. She says that this grant of marks in the given circumstances requires an interference by this Court.

2. Notice was issued and respondents have entered appearance.

3. University admits the valuation and the challenge valuation request in terms of the pleadings. University justifies its stand. The University has also made available the original answer scripts along with valuation slips.

4. Heard the learned Counsel for the parties and perused the material on record.

5. Sri.Patil, learned senior counsel for the petitioner says that the present set of circumstances would show a glaring arbitrariness in the matter of valuation. He therefore wants interference. Per contra, learned Counsel for the university would say that in terms of rules the Board valuer has provided 17 marks and in terms of the challenge valuation proceedings, she has been awarded 19 marks. The university justifies its action.

6. In the normal circumstances, this Court would not have interfered in such matters. The University is the best Judge in the matter of providing marks in terms of the valuation made by them in accordance with the rules. But there may be some rare cases where the Court may notice certain arbitrariness and in those cases, the Courts have to render justice in the larger interest of educational aspirations of a candidate. In the case on hand, petitioner is a merited candidate, as I see from the material on record. She has secured first class in Madhyamik Pariksha conducted by the West Bengal Board of Secondary Education, and West Bengal Council of Higher Secondary Education. She has also secured first class in the B.Sc, examination conducted by the Bangalore University. That being so, it is nothing but natural for a bright student to seek for details in the event of certain low percentage being awarded to her in the subsequent examination.

7. I have carefully gone through the valuation papers made available to me. As I mentioned earlier I would not have interfered in the normal circumstances. But what surprised me is that the first valuer has given 32 and second valuer has given 59 and the Board Valuer has given 17 marks. It is surprising to note that how this vast difference of marks could occur from one valuer to another. When that being the position the petitioner naturally applied for challenge valuation and there she was given 19 marks.

8. I have also compared the marks awarded by the valuers. The first valuer has considered Section A(Sl. Nos. 2-4 and 6,7), Sec-B(Sl. Nos. 9, 11, 13) and Section C(Sl. Nos. 14, 17, 18) and has provided 32 marks. The second valuer has considered Section A (Sl. Nos. 2-4 and 6,7), Section B (Sl. Nos. 9, 11, 12, 13), Section C (Sl. Nos. 14, 17, 18) and has provided 59 marks. The Board valuer has considered Section A, (Sl. Nos.2-4 and 6,7), Section B (Sl. Nos. 9,

and 13), Section C (Sl. Nos.14, 17, 18) and has provided 17 marks.

9. The Board valuer has provided "0" marks for Sl.No. 2, 6, 9, and 11 as against some marks awarded by the first and the second valuer. It is also seen that the first valuer has not valued sl.No. 12, whereas the second valuer has given 2 marks and the Board valuer has given 1 mark. When the matter went to the challenge valuer he has totally not valued Sl.No. 11, and 12, whereas the second valuer and the Board valuer have given some marks.

10. In these circumstances, this Court is of the view that there is arbitrariness in the marks awarded to the petitioner.

11. Material on record would reveal that the petitioner is a bright student and having scored first class throughout cannot be expected to score 17 or 19 for 80 in terms of the Board valuer and the challenge valuer. Justice therefore demands that the matter requires a redo in the larger interest of rendering justice to the aspiring student. In these circumstances, I deem it proper to set aside the marks provided by the Board Valuer and the Challenge Valuer and remit the matter for redecision.

12. Before concluding, I cannot but quote the findings of the University Education Commission, as culled out by the Supreme Court in the case of Prof. Yashpal and Another Vs. State of Chhattisgarh and Others, . The said commission consisting of great men of letters would say;

"Our Universities should maintain the academic character of their work on a level recognized by the Universities of other countries. Universities are our national institutions, and to keep up our national prestige, our degrees must be such as to command international recognition."

13. It is hoped that the respondent University would reach this measure in the interest of national prestige.

14. This petition is accepted. The valuation of the Board Valuer and the Challenge Valuer are set aside. Since there is a glaring disparity, I deem it proper to direct the Vice Chancellor of the University to get hold of the entire records and get the same valued by a competent Board Valuer. This in my view would meet the ends of justice. Time for compliance is four weeks from the date of receipt of a copy of this order.

Ordered accordingly. No costs.