
(2018) 11 GAU CK 0020
In the Gauhati High Court
Case No : Civil Writ Petition No.7020 Of 2013

Nazia Sultana

APPELLANT

Vs

State Of Assam And 4 Ors

RESPONDENT

Date of Decision : 15-11-2018

Acts Referred:

Citation : (2018) 11 GAU CK 0020

Hon'ble Judges : Achintya Malla Bujor Barua, J

Bench : Single Bench

Advocate : U K Nair

Judgement

1. Heard Mr. M.P. Sarma, learned counsel for the petitioner. Also heard Ms. P. Barman, learned standing counsel for the Gauhati University.

2. The petitioner who had undertaken the B.Ed course for the session 2012 in the Mangaldai Government Teachers Training College had appeared in

the B.Ed examination held by the Gauhati University for the year 2012. Although the petitioner had secured much higher marks in all the other

subjects, but in respect of the subject "content and method of teaching" she had secured 33 out of 100 marks, in a situation, where the pass mark

was 36. In other words, had the petitioner been awarded 36 marks in the said paper, she would have otherwise passed the B.Ed examination.

3. The petitioner accordingly made an application to the Controller of Examination of the Gauhati University through the Principal of the concerned

college seeking a re-evaluation of the concerned paper and also for a photocopy of the answer script of her. The respondent Gauhati University had

undertaken an exercise to re-evaluate the concerned paper of the petitioner and upon re-evaluation, the authorities arrived at a conclusion that the

petitioner was actually entitled 30 out of 100. A photocopy of the answer script was also provided to the petitioner.

4. Being aggrieved, the present writ petition has been preferred. The only ground urged upon by the petitioner is that in the view of the petitioner she

ought to have had more marks in the concerned subject instead of 33 and therefore, her paper be re-evaluated by any other authority other than the authority under the Gauhati University.

5. Apart from the above, no further contention has been urged by the petitioner. The respondent Gauhati University by filing an affidavit-in-opposition

relies upon a notification dated 21.11.2008 wherein, the procedure for re-evaluation is provided. Clause-2 of the said notification provides that if the

reevaluated marks vary by 5% or more of the total marks of the paper, the reevaluated marks shall be allotted to the applicant even if the marks

obtained is less than earlier marks. But on the other hand, if the reevaluated mark is at a variance less than 5% of the total marks, the reevaluated

marks would not be entertained.

6. According to the Gauhati University as the reevaluated marks is at a variance of 3 marks from the original marks and the same being less than 5%

of the total marks, the Gauhati University had not awarded the reevaluated marks comprising of 30 out of 100 to the petitioner upon such re-

evaluation. From the said point of view, the Court does not find any infirmity in the process adopted by the University.

7. But as regards the contention of the petitioner that the paper be again reevaluated by an authority other than the authority of the University, the

Court is of the view that such recourse can be taken only upon overwhelming materials being produced by the candidate that the authorities under the

University under which the examination was taken was highly biased against the concerned candidate or that there are reasons which would indicate

that a lesser mark was deliberately given to the concerned candidate. In the instant case, we do not find any such material being produced by the

petitioner that the University authorities were highly bias against the petitioner or that a lesser mark was deliberately given by the authorities because

of certain other extraneous reason. In the absence of such materials being produced, we are unable to accept the contention of the petitioner that the

concerned paper be evaluated by an authority other than any authority under the

Gauhati University.

8. Accordingly, the Court is of the view that this writ petition in its present form is devoid of any merit. But however, the petitioner desires to make an application to the respondent Gauhati University highlighting the reason as to why the petitioner feels that some lesser marks were given to the petitioner. Accordingly, it is provided that in the event any such representation is submitted, the respondent Gauhati University would give a due consideration to the same and pass a reasoned order thereto. Writ petition stands closed.