

(1985) 08 MAD CK 0003

In the Madras High Court

Case No : Writ Petition No. 8377 of 1985

P. Arumugham

APPELLANT

Vs

The Registrar University of Madras

RESPONDENT

Date of Decision : 13-08-1985

Acts Referred:

Citation : (1985) 08 MAD CK 0003

Hon'ble Judges : Nainar Sundaram, J

Bench : Single Bench

Advocate : K.B.K. Vasuki, for the Appellant;

Judgement

Nainar Sundaram, J.—This Writ Petition has been laid praying for the issue of a writ of mandamus directing the respondent to consider the

petitioner's request for revaluation of all the answer papers of the petitioner in the examination held for II Year M.A. Criminology during the year

1985. The petitioner did pass the examination in question and his grievance is only with reference to not obtaining the expected marks and rank.

According to the petitioner, he was under the firm belief that he will get excellent marks and also the rank in the examination in question; and he

was disappointed when he obtained the mark sheet which revealed that he has obtained a total of only 317 out of 500. His complaint about the

valuation and his plea for a need for revaluation are set out in paragraphs 3 and 4 of his affidavit filed in support of this writ petition, in the following

terms:

Paragraph 3.

The petitioner appeared for the 2nd year examination and he was very much satisfied with the performance in the 2nd year examination, that he

firmly believed that he will get excellent marks and also the rank in the examination. Even his enquiry with the co-students also revealed that his performance is more satisfactory than others. With the hope of getting the rank the petitioner was planning for his future and he applied for the preliminary examination in Union Public Service Commission Examinations. The result of the final year examinations were announced in the month of June, 1985 and the petitioner has passed the examination with I Class in his final year exams also. When the petitioner went to receive the mark sheet with anxiety the petitioner was very much disappointed. The mark sheet revealed that the petitioner has obtained a total of only 317 out of 500.

Paragraph 4.

While so, the marks awarded to the petitioner is much lesser than expected and if the records are called for it will clearly demonstrate as to how the valuation of the petitioner's papers are not proper and reasonable. If the valuation is properly done, the petitioner would have certainly secured much higher marks than the 1st year. The petitioner made enquiries in the respondent's office as to what best could be done on account of the abolition of the system of re-valuation of answer papers. The petitioner pleaded to the respondent orally to consider his case as a special one explaining him in detail as to how the out come of the result would have far-reaching consequences in his future career. The persons with more percentage of marks will certainly be considered on special footing than other candidates wherever they go either for further studies or for employment and which has to decide the future course of life for the petitioner also. The respondent turned down the requests of the petitioner stating that he is helpless in this position.

The Petitioner has not alleged any patent error, malpractice, fraud or improper conduct, etc. in valuation. The petitioner further expresses a grievance over the abolition of a system of revaluation, which previously was in vague, and according to him the abolition of that system has got to be deprecated. The relevant allegations in this regard are found in paragraph 6 of the petitioner's affidavit and they are as follows:

The Petitioner submits that the system of revaluation of answer papers which was in vague for a few years was abolished sometime ago by which

the students who come out with a request for revaluation on genuine reasons have to suffer. The failure on the part of the respondent to provide for

such a method to redress erratic valuation has resulted in consequences which will have a far-reaching effect in the future career of the petitioner.

These grievances of the petitioner cannot be redressed in writ jurisdiction, if we take note of the principles countenanced by the Supreme Court in

Maharashtra State Board of Secondary and Higher Secondary Education and Another Vs. Paritosh Bhupeshkumar Sheth and Others, . There in

that case, the Supreme Court repelled the attack on a regulation which provided that no revaluation of the answer books or supplements shall be

done and that no candidate shall claim or be entitled to claim a revaluation of his answer books. The High Court held the said regulation to be void

on the ground of unreasonableness and denial of fair-play. In disagreeing with the view of the High Court, the Supreme Court observed as follows:

We are unable to agree with the further reason stated by the High Court that since every student has a right to receive fair play in examination and

get appropriate marks matching his performance, it will be a denial of the right to such fair play if there is to be a prohibition on the right to demand

revaluation and unless a right to revaluation is recognised and permitted there is an infringement of rules of fair play.

Further, it is in the Public interest that the results of Public examinations when published should have some finality attached to them. If inspection,

verification in the presence of the candidates and revaluation are to be allowed as of right, it may lead to gross and indefinite uncertainty,

particularly in regard to the relative ranking, etc. of the candidates, besides leading to utter confusion on account of the enormity of the labour and

time involved in the process.

If the principle laid down by the High Court is to be regarded as correct, its applicability cannot be restricted to examinations conducted by School

Educational Board alone but would extend even to all competitive examinations conducted by the Union and State Public Service Commissions.

The resultant legal position emerging from the High Court Judgment is that every candidate who has appeared for any such examination and who is

dissatisfied with his results would as an inherent part of his right to "fair play" be entitled to demand a disclosure and personal inspection of his

answer scripts and would have a further right to ask for revaluation of his answer papers. The inevitable consequence would be that there will be

no certainty at all regarding the results of the competitive examinations for an indefinite period of time until all such requests have been complied

with and the results of the verification and revaluation have been brought into account.

Deprecating the practice of Courts substituting their own views in the place of those of professional men, the Supreme Court further observed as

follows:

As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent

and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise, and rich

experience of actual day-to-day working of educational institutions and the departments controlling them. It will be wholly wrong for the court to

make a pedantic and purely idealistic approach to the problems of this nature, isolate from the actual realities and grass root problems involved in

the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were

to be propounded.

2. If it is a case of this Court directing the authority to revalue the papers on the allegations projected, there is no scope for this Court to exercise

such powers in view of the principles set out by the Supreme Court in Maharashtra State Board of Secondary and Higher Secondary Education

and Another Vs. Paritosh Bhupeshkumar Sheth and Others, . These principles have been subsequently taken note of and followed in a number of

pronouncements of this Court, the last of which is the one delivered by me in W.P. No. 7969 of 1985, order dt. 31st July, 1985. Such being the

position, the writ of mandamus as prayed for cannot be issued. It is open to the petitioner to pursue the plea with the respondent for revaluation if

that is permissible. This writ petition is dismissed.