
(1974) 02 AP CK 0010

In the Andhra Pradesh High Court

Case No : Writ Petition No's. 4837, 6560, 6687 of 1973

R. Radhakrishen and Others

APPELLANT

Vs

Osmania University and Others

RESPONDENT

Date of Decision : 19-02-1974

Acts Referred:

Constitution of India, 1950 — Article 226
Evidence Act, 1872 — Section 115

Citation : AIR 1974 AP 283

Hon'ble Judges : Chinnappa Reddy, J

Bench : Single Bench

Advocate : Trimbakrao Desmukh and A. Pulla Reddy, for the Appellant; P. Babulu Reddy and Sriramulu, for the Respondent

Judgement

1. The M. B. A. Degree course of the Osmana University is apparently much sought after. In 1973, there were a large number of applicants for a few seats. The University decided to hold an entrance test. The entrance test was held on 29-7-1973. The result of the test was announced on 10-8-1973. The petitioners in W. P. Nos 4837, 6560 and 6687 of 1973 were among the thirty who were selected for admission. But it was discovered that there was mass copying at the test. The University, therefore, on 20-8-1973 cancelled the test held on 29-7-73 and announced that another test would be held on 11-11-1973 .The petitioners in W. P. Nos. 6560 and 6687 of 1973 filed the writ petitions objecting to the decision to hold a fresh test. the principal argument addressed on their behalf was that there was violation of the principles of natural justice as they were not given any opportunity to explain why the test held on 29-7-1973 at which they had come out successful should not be cancelled. It was argued that the cancellation of the test case an aspersion on the petitioners and therefore it was the duty of the University to give them on opportunity of explanation before cancelling the test. The learned counsel relied on the decision of the Supreme Court in Board of High School and Intermediate Education, U.P., Allahabad Vs. Ghanshyam Das Gupta and Others, . I would have readily agreed with the

learned counsel if individual candidates in such a situation is to parody the principles of natural justice and take an unnatural form. When the whole examination is scrapped I do not see how any one can say that it is an aspersion against him unless, of course, as the Telugu proverb goes (Vernacular proverb -- omitted -- Ed.) .In The Bihar School Examination Board Vs. Subhas Chandra Sinha and Others, , the Supreme Court held,

"If it is not a question of charging any one individually with unfair means but to condemn the examination as ineffective for the purpose it was held, must the Board give an opportunity to all the candidates to represent their case ?We think not. It was not necessary for the Board to give an opportunity to the candidates if the examinations as a whole were being cancelled. The Board had not charged any one with unfair means so that he could claim to defend himself .The examination was vitiated by adoption of unfair means on a mass scale .In these circumstances it would be wrong to insist that the Board must hold a detailed inquiry into the matter and examine each individual case to satisfy itself which of the candidates case to satisfy which of the candidates had not adopted unfair means. The examination as a whole had to go."

".....

It would not do for the Court to say that you should have examined all the candidates or even their representatives with a view to ascertaining whether they had received assistance or not. To do this would encourage indiscipline if not also perjury."

2. The learned counsel tried to distinguish this decision of the Supreme Court on the ground that in that case the results of the examination had not been announced while in the present case the results have been announced. I do not think it makes any difference. The mere announcement of the results of the test on the notice board of the University created on vested rights in the candidates. Nor was there any question of estoppel since it is not shown that any of the candidates was damnified in anyway. In W. P. No. 6560 of 1973 the plea of estoppel was raised but it was only in a vague general way. No details were furnished as to the prejudice suffered by the petitioner.

3. In W. P. No. 4837 of 1973, a different question was raised. The petitioners in this writ petition are not graduates of any University but they have passed the A. M. I. E. examination held by the Institute of Engineers (India) and examination recognised as equivalent to the B. E. degree examination by several Universities in India including the Jawaharlal Nehru Technological University, but not by the Osmania University. These petitioners were allowed to sit for the entrance examination and came out successful. But admission was denied to them on the ground that they were not graduates of any recognised University. According to the conditions laid down by the Osmania University "the candidate seeking admission to the three year Master's degree course in Business Administration shall have passed a degree examination , excluding the degree of Bachelor in

Oriental Languages, in any Faculty of this University or any other university recognised as equivalent thereto. "The condition is clear that only University have recognised the A. M. I. E. examination as equivalent to the B. E. degree of their Universities does not satisfy the condition. Every University has the undoubted right to prescribe its own standards and what others have done may guide them but does not oblige them to follow it suit. It is for the University to decide whether to recognise the A. M. I. E. examination or not. The petitioners under the interim orders of this court, have been allowed to attend classes. It is open to the University authorities to once again consider their case sympathetically, if they so desire. The writ petitions are dismissed but without costs. Advocate's fee Rs. 100 in each.

4. Petition dismissed.