

(1991) 09 MAD CK 0030
In the Madras High Court
Case No : Writ Appeal No. 379 of 1985

R. Rajasekaran

APPELLANT

Vs

University of Madras and others

RESPONDENT

Date of Decision : 05-09-1991

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1993 Mad 34

Hon'ble Judges : Thanikkachalam, J;Nainar Sundaram, J

Bench : Division Bench

Advocate : R. Karuppan, for the Appellant; K.R. Tamizhmani and Rajamanickam, Government Advocate, for the Respondent

Judgement

Nainar Sundaram, J.—The petitioner in W. P. No. 2474 of 1985 is the appellant in this writ appeal. The respondents in the writ petition are

the respondents in this writ appeal. Convenience suggests that we should refer to the parties as per their nomenclature in the writ petition. The

petitioner came to this Court by way of the writ petition projecting the following prayer :

For the reasons stated in the accompanying affidavit, it is prayed that this Honourable Court may be pleased to issue a writ of declaration or any

other appropriate order or direction in the nature of writ declaring the resolution of the Syndicate of Madras University dated 28-6-84 scrapping

the scheme of revaluation with effect from 1-7-84 as null and void and pass such other further orders as may deem fit and proper in the

circumstances of the case and thus render justice.

The petitioner at the relevant point of time was a student in law. Having successfully completed the first year of the course, he came to the second

year but there he failed in certain subjects. Obviously, he was not satisfied with regard to the valuation of the papers and he wanted revaluation, but the process of revaluation could not be availed of, because the Regulations prevailing did not permit revaluation. By resolution dated 1-7-84, provision has been made only for retotalling of the marks and not for revaluation of the answer papers. The petitioner wanted to delete this resolution and that was why he projected the prayer extracted above in the writ petition. The learned single Judge, who dealt with the writ petition, found no warrant for granting any relief to the petitioner and dismissed the writ petition. This writ appeal is directed against the order of the learned single Judge.

2. Mr. R. Karuppan, learned counsel for the petitioner, endeavoured his best to impress upon us that the system of revaluation of the answer

papers in examinations held by the respondents is a salutary one and that alone conformed to the principles of fair play. We would have dwelt upon

this subject a little more, but for the fact that the pronouncement of the highest Court in the land has spoken of the same and that is against the

petitioner. In *Maharashtra State Board of Secondary and Higher Secondary Education and Another Vs. Paritosh Bhupeshkumar Sheth and*

Others, there was an attack of a regulation which provided that no revaluation of the answer books or supplement 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 highest Court in the land 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.

The further passages occurring in the Supreme Court decision are worth noting and they run as follows :--

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 Boards 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 examination 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.

The pronouncement of the highest Court in the land has been a matter of being followed in a number of pronouncements of this Court and it would

suffice the purpose if we refer to the pronouncement of a Bench of this Court to which one of us (Nainar Sundaram, J.,) had been a party in B.

Rajappa v. The Additional Controller of Examinations and The Registrar, University of Madras 1989 WLR 55. We are bound to follow the

principle enunciated by the highest Court in the land and so followed, we have to discountenance the claim of the petitioner put forth in the prayer

in the writ petition. In this view, this writ appeal fails and the same is dismissed. No costs.

3. Appeal dismissed.