
(2001) 04 RAJ CK 0094

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2760 of 2000

Raj Kumar Pipara and Others

APPELLANT

Vs

University of Rajasthan and Others

RESPONDENT

Date of Decision : 03-04-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 2001 Raj 285 : (2001) 4 RLW 562 : (2001) 2 WLC 601

Hon'ble Judges : V.S. Kokje, J

Bench : Single Bench

Advocate : Ajay Rastogi, for the Appellant; Subhash Jain, for the Respondent

Judgement

V.S. Kokje, J.—With the consent of the parties, the matter was finally heard.

2. The short question which falls for determination in this case is as to whether the petitioners were eligible to take the M.B.A. Part II (Day Time) examination, 2000 or not. This Court already permitted them by an interim order to take the examination. Though, by the time the interim order was made, three papers had already been over and therefore, the petitioners could not appear at them. Rest of the examination has been taken by them under the interim orders passed by this Court. This Court while permitting the petitioners to take the M.B.A. Part II (Day Time) examination, 2000, had directed that the result of the examination shall not be declared without permission of this Court. On the last date, the University was directed to submit the result in a sealed cover. The result has been submitted by the counsel for the University in a sealed cover today.

3. The petitioners were declared unsuccessful in M.B.A. Part I examination. Dissatisfied by the valuation of their papers in certain subjects, the petitioners applied for revaluation under Ordinance 157 -A of the University. As required by the Ordinance, the petitioners had applied within the time limit prescribed for submitting the applications for revaluation. This was done in the month of September, 1999. As the result of the revaluation was awaited, the petitioner

applied for being provisionally admitted to the M.B.A. Part II Year course and their respective institutions permitted them to attend M.B.A. Part II classes provisionally. M.B.A. Part II examination was to commence on 10th June, 2000. The result of revaluation was declared on 2nd June, 2000 and the petitioners became entitled to appear at M.B.A. Part II examination. They have cleared their M.B.A. Part I examination after revaluation of their answer books. The University did not allow them to appear at the M.B.A. Part II examination, 2000 and therefore, they filed this petition and this Court permitted them to take the examination by issuing an interim order.

4. The only objection of the University now is that before the result of revaluation was declared, the petitioners were not entitled to take admission even provisionally in the M.B.A. Part II classes. According to the learned counsel for the University, the Institutes illegally admitted them provisionally without seeking any permission from the University and therefore, the petitioners cannot be taken to have been regularly admitted to M.B.A. Part II course and cannot be taken to have attended the course for the requisite number of days. Thus, the University is of the opinion that the petitioners are not eligible -to take the examination as they have not attended the M.B.A. Part II course as regular students for the requisite number of days.

5. Having heard the learned counsel and having perused the record, I find that the entire problem has been created by the University failing in its duty to declare the result of revaluation within a reasonable time from the last date of receiving applications for revaluation. When the applications were received in the month of September, 1999, the result of the revaluation should have been declared within a month or at the most a couple of months. To take nine months for declaring the result of revaluation is not understandable and is hardly explicable on any reasonable ground. The candidates apply for revaluation in an effort to save one valuable year of their career, they do not apply for revaluation for academic purposes. The object is to be able to appear at the next examination with their original batch. To meet this object, it is necessary that the result of revaluation is declared within a reasonable time. Ordinance 157-A (14) of the University gives an idea as to what would be reasonable time. It is declared in the said provision that a candidate who is declared eligible for supplementary examination as a result of revaluation shall be permitted to appear at the usual supplementary examination. Thus, primarily it is expected that the result of the revaluation is declared before the next supplementary examination commences. That is the normal time limit which should be adhered to by the University. If for some reason, this is not possible then the other alternative given is that if the supplementary examination is over, by the time the result of revaluation is declared then the candidate is eligible to appear at the next main examination alongwith the higher examination. It is further provided by the said provision that a candidate who becomes eligible for admission to a next higher class consequent upon improvement of his result on revaluation in the middle of a session shall be considered eligible for admission to that class within 21 days

from the date of issue of communication of the revaluation result not later than 31st December of the same session. It is also provided that in such cases attendance shall be counted from the date of admission. It is, therefore, very clear that it is expected of the University to declare the result of revaluation at least before 31st December of the same session.

6. If the University had followed the provisions of Ordinance 157-A, the difficulty which is faced by the petitioners would not have arisen. Instead of declaring the result of revaluation by 31st December, 1999, the University declared it as late as on 2nd June, 2000. If in the meanwhile, the petitioners had already attended provisionally M.B.A. Part II classes with the permission of the Institutions, affiliated to the University, they cannot be blamed. They were clearly eligible to take the examination of M.B.A. Part II, 2000.

7. The University cannot take advantage of its own wrong by contending that the admission granted to the petitioners by the affiliated colleges was illegal or irregular. It is a matter between the University and the affiliated college and the petitioners cannot be blamed for that,

8. In the circumstances of the case, therefore, it is clear that the petitioners were eligible for taking the M.B.A. Part II (Day Time) examination, 2000. The result of the examination is, therefore, directed to be formally declared. The petitioners shall be eligible to take the papers, in which they remained absent as also in which they might have failed, afresh at the next examination as per eligibility in accordance with law. The result in the sealed cover is returned to the learned counsel for the University. The University shall declare the result within a week from today.