
(1984) 08 P&H CK 0065
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 480 of 1984

Raj Kumari Goyal

APPELLANT

Vs

Punjabi University, Patiala and Others

RESPONDENT

Date of Decision : 22-08-1984

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : AIR 1986 P&H 159 : (1985) 2 ILR (P&H) 258

Hon'ble Judges : J.M. Tandon, J

Bench : Single Bench

Judgement

1. Raj Kumari Goel petitioners and Rakesh Kumar respondent appeared in M. A. final (Hindi) examination of the Punjabi University, Patiala in April, 1983. The result was declared in July 1983. The respondent secured first position with 491 marks out of 800. The respondent applied for re-evaluation of his answer books and as a result thereof he was declared to have secured 483 marks instead of 496. According to the Punjabi University Rules, a topper in M. A. examination is entitled to be awarded a gold medal and admission in M. Phil. against a reserved seat. The petitioners having failed to secure admission in M. Phil. and gold medal, has filed the present writ praying mandamus that she be declared first in M. A. final (Hindi) examination held in April. 11.1983, and be given the resultant benefits.

2. The Registrar, Punjabi University has averred in his return that in pursuance to the decision of the University Syndicate dt. May, 17, 1982, merit list prepared on the basis of first evaluation incorporated in the declared result to be taken a final. he has further averred that Rakesh Kumar was admitted to M. Phil. Class on the basis of University declared result and it happened before the re-evaluation result was announced. The petitioners could not be admitted to this class due to her lower merit as compared to the respondent. By the time the re-evaluation result was declared more than half of the first semester of M. Phil. was over and at this stage no admission could be offered to any candidate,

including the petitioners.

3. The stand of Rakesh Kumar is that he took the risk of re-evaluation because of the University rules that original merit list will not undergo a change as a result thereof.

4. On May, 17, 1982, the Syndicate of the Punjabi University, Patiala, approved the following recommendation of the Academic Council:

"2. 38 that from the examinations of 1982 the University medal and scholarship be awarded on the basis of the merit list prepared on declaration of result on original evaluation i.e. the merit list prepared before the re-evaluation process be treated as final".

5. The merit in M. A. final in the context of decision dt. May 17, 1982, is for all, practical purposes limited to the topper. It is not disputed that Rakesh Kumar respondent secured admission in M. Phil. Class against a seat reserved for the topper in M. A. Hindi Final examination and that too before the re-evaluation result was announced. More than half of the first semester of M. Phil. course was over by the time the re-evaluation result was declared. The petitioners could not be given admission in M. Phil. Class after the declaration of re-evaluation result. The learned counsel for the petitioners, therefore, conceded during arguments that the pt cannot justifiably claim the cancellation of the admission of Rakesh Kumar respondent in M. Phil. lass at this stage.

6. The contention of the learned counsel for the petitioners is that the decision of the Syndicated dt. May 17, 1982, is illegal inasmuch as it runs counter to para 2(iii) of Chap. XXVI of the Punjabi University Calendar (hereafter the Calendar) and is also unconstitutional being violative of Art. 14 of the Constitution. The argument proceeds that in view of the fact that the respondent has secured 483 marks on re-evaluation, the result is liable to be rectified in terms of the provisions contained in Chap. XXXVIII of the Calendar and further the pt should be given admission in M. Phil. lass in 1984 on the basis of her result in 1983 examination.

7. Chapter XXXVIII of the Calendar deals with the rectification of results and para 3 thereof reads:

"If any mistake is discovered as a result of re-checking of an answer book (s) as provided in (2) above the Vice-Chancellor shall rectify the result. In such cases the fee and the inspection fee, if paid, shall be refunded".

8. It is obvious that the result declared on re-evaluation is not a mistake discovered as a result of re-checking in terms of para 3. The provisions contained in Chapter XXXVIII of the Calendar can hardly be made applicable to the instant case

9. The relevant part of para 2 of Chap. XXXVIII of the Calendar reads.

The following rules shall apply to the awards:

"I) All awards shall be made on the result of the annual examination only. No award is to be made on the result of Biannual or supplementary examination.

.....

ii) Only such candidates shall be entitled to the award as pass the examination at the first attempt.

.....

iii) All awards shall be made to the candidates obtaining first division only. In the case of an examination in which no division is designated the award shall be made to the candidate obtaining the highest aggregate number of marks in the examination.

.....

10. The contention of the learned counsel for the petitioners is that under para 2(iii) reproduced above, the awards can be given to the candidates obtaining first division and a student having secured first division in the first evaluation incorporated in the declared result is placed in the second division on re-evaluation shall continue to be entitled to the award in terms of the decision dt. May 17 1982. In such a situation, the decision dt. May 17, 1982, will run counter to the provisions contained in para 2(iii) of Chap. XXVI of the Calendar. The learned counsel for the University has argued that the Syndicate of the University was competent to take decision dated May 17, 1982, and there is no conflict between the two provisions. The contention of the learned counsel for the University must prevail.

11. The object of the decision dt. May 17, 1982, is to make the merit determined on the basis of first evaluation incorporated in the declared result final and not to let it remain fluid till the re-evaluation result is declared which may come about after the admissions in other classes like M. Phil are over. It may not be prudent to keep the merit fluid even for the purpose of admission to other class till the finalisation of the re-evaluation result. It is to avoid this uncertainty that the University Syndicate took the decision dt. May 17, 1982, according to which the merit of first evaluation incorporated in the declared result is final. It is understood that a candidate who has not secured first division in the first evaluation incorporated in the declared result shall not be entitled to the award in terms of para 2(iii) of Chapter XXVI of the Calendar. There is thus no conflict between para 2(iii) and decision dt. May 17 1982.

12. The learned counsel for the pt has argued that the decision dt. May 17, 1982, is arbitrary and thus violative of Art. 14 of the Constitution. The argument proceeds that in a rare case a topper in the final result may be placed in third division on re-evaluation but still he will get the benefit as topper in terms of the decision dt. May 17, 1982. The contention is without merit

13. The decision dt. May 17, 1982, has been taken by the competent authority

(University Syndicate) with an object to make the merit list prepared before the re-evaluation process, final. The example cited by the learned counsel is too hypothetical and remote from reality. The decision dt. May 17, 1982, does not suffer from the vice of arbitrariness and is, therefore, not violative of Art. 14 of the Constitution.

14. In the result, the writ petition fails and is dismissed with no order as to costs.

15. Petition dismissed.