

(2005) 05 KAR CK 0004
In the Karnataka High Court
Case No : Writ Petition No. 21065 of 2004

Shardulsab

APPELLANT

Vs

Karnataka University and Others

RESPONDENT

Date of Decision : 23-05-2005

Acts Referred:

Citation : (2005) ILR (Kar) 2787 : (2005) 4 KCCR 337 SN

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : Party in Person, for the Appellant; V.B. Ganachari, for R1 and 3, for the Respondent

Final Decision : Dismissed

Judgement

Gopala Gowda J.

1. The petitioner, party-in-person, is a Law Student. He had filed this writ petition with the following prayers:

"(a) To call for all relevant documents pertaining to this case, procedure of examination, mode or system of valuation by examiner, valuation by re-examiner including moderators, remarks application and issued legal notice in all originals from the respondent No. 1 and respondent No. 1 from respondent No. 2 or respondent No. 3 from respondent No. 1 in the matter.

(b) To issue a writ of mandamus or order or direction or any other appropriate writ setting aside the endorsement/letters dt. 29.3.2004 made in No. KVV: Exam Profession, LAW: VAI: 03-04/PRATHI/294 Annexure-"D" and dt: 04/05/04 made in KVV:KA:AND:VAI:EXAM 04-05/13 Annexure "F" series respect passed by the respondent No. 1 including revaluation statement of marks which is not made available from respondent No. 1, to declare the performance done in Dec-2003 in papers: i) Law of Crimes, ii) Property Law, iii) Hindu Law and iv) Pub. Int. Law are to be passed and issue necessary completion certificate of L.L.B. to the petitioner as he found eligible and fit to get it.

Prayer (a) is cumbersome and not at all clear. It is on account of the fact that the writ petition is not drafted by professional Counsel but by the Law Student-the petitioner himself.

2. Prayer (b) consists of two parts. The first portion seeks setting aside Annexure-D and F while the second portion seeks declaration that petitioner has passed (i) Law of Crimes, (ii) Property Law, (iii) Hindu Law and (iv) Public International Law. Subsequent to filing of the writ petition, the petitioner has passed three subjects except Law of Crimes.

3. In so far as Law of Crimes is concerned, Learned Counsel for the first respondent University submits that petitioner applied for re-valuation and accordingly re-valuation was done by one of the Professor of National Law School of India but still petitioner has failed. This Court cannot say that the marks allotted in the re-valuation is either less or not correct/When a Professor of pioneer University has re-valuated the answer script of the petitioner, petitioner cannot have any grievance. Mr. V.B. Ganadian, Learned Counsel for the respondents has rightly relied upon the decision reported in *Sudha M.S. v. State Of Karnataka* 1985 (1) Kar. L.J. 61 wherein it is held at paragraphs 14 and 17 as hereunder:

"14. xxxxx Once it is held that there is no right for inspection or revaluation of answer scripts in such an examination, it follows that the question of the Court adjudicating as to the correctness of the answers furnished by the students of as to the correctness or sufficiency of marks awarded does not arise."

"17. xxxx The valuation made by the valuer and the marks awarded, in my opinion, is not justiciable and it is not open to this Court to direct the Board to award marks or more marks than the marks awarded by the valuer to any answers or to direct revaluation of the answer scripts."

Instead of simply agitating or precipitating the matter, petitioner should concentrate to complete the only subject in which he has failed. Petitioner can utilize the time in that regard instead of wasting time either for making correspondence or litigating in Court.

4. The petitioner has taken me through the decisions referred to in paragraph 5 of the letter written to the University and contends that he is entitled for xerox copy of the answer scripts. In the first place, within 20 days of declaration of the results the petitioner has to apply for the copy. Results of the examination were declared on 4-2-2004. The petitioner has paid the fee for the copy on 6-3-2004, beyond the limitation. Petitioner submits that he paid the fee well within time but the College has remitted it belatedly. If the delay is on account of the mistake or fault of the college, the petitioner's grievance must be against the college. So far as the University is concerned, since the fee is remitted beyond the stipulated period, it was justified in not fulfilling with the request of the petitioner.

5. In the second place, when the answer script of the petitioner is got re-valued

by a Professor of a pioneer University, it is quite un-understandable as to what the petitioner wants to do with the xerox copy of the answer script. He may show it to some other Lecturer and seek his opinion. The anxiety of the petitioner could be understood if the marks awarded by the original evaluator and the reveler is marginal for a pass. The original marks awarded is 23 and after revaluation 24 is awarded. Therefore, the claim of the petitioner for a xerox copy of the answer script is wholly unwarranted and unnecessary.

6. For the reasons stated above, the contention of the petitioner that he has right to information or the stand of the Learned Counsel for the University that Right to Information Act is not applicable to the University as valuation or re-valuation of answer script is not administrative action but a quasi-judicial action, need not be considered in this case. In appropriate cases these aspects can be considered.

7. Writ Petition stands dismissed with the observation that the petitioner, in his own interest, concentrate upon passing the sole subject instead of making unnecessary grievance against all and wasting his precious time and money in litigation.