

(2012) 10 KAR CK 0109
In the Karnataka High Court
Case No : Writ Petition 5639 / 2010 (Edn)

Smt Sujitha AM

APPELLANT

Vs

Commissioner, Collegiate Education Nrupathunga Road,
Bangalore, Registrar, Bangalore University O/o Registrar
(Evaluation) Bangalore and Principal MLA First Grade College
Malleshwaram, Bangalore

RESPONDENT

Date of Decision : 18-10-2012

Acts Referred:

Citation : (2012) 10 KAR CK 0109

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : Parashuram R. Hattarakihal, for the Appellant; T. Satyanarayan, for R3, Sri Vishnu D. Bhat, for R2 and Sri R. Omkumar, AGA for R1, for the Respondent

Judgement

Huluvadi G Ramesh

1. Petitioner has sought for a mandamus to call for answer script and the result of 2007 Nov/April 2008 of the subject Corporate Accounting 1 of 3rd semester B.Com and also to pay damages of Rs. 5 lakhs for the respondents' carelessness and negligence in withholding her marks card. According to the petitioner's counsel, petitioner had appeared for October 2006 examination in Corporate Accounting I subject and her result was withheld thereby, she was made to appear once again for the said paper in November 2007 and it is her case, the result of the said examination was not announced. The petitioner states, the revaluation result for which she had applied, was also not announced as such, she was made to take up the examination once again and she has lost two academic years.

2. According to the 2nd respondent University, the revaluation marks card was sent to the college and it was for the petitioner to collect the same from the college and once the revaluation results are announced and marks card is sent to

the college, even if the petitioner had applied for further examination on the ground that there was no announcement of the revaluation results, since she has passed on revaluation, question of further valuing the paper did not arise and no marks card could be sent.

3. According to the counsel representing the college, it was for the petitioner to come and collect the marks card of revaluation and due to her lapse, she cannot blame the college or claim damages.

4. It appears, for Corporate Accounting I paper for which petitioner had appeared, on coming to know she had failed in that subject, she had applied for revaluation. The revaluation result was announced but of course, very late. There appears to be some negligence on the part of the respondent University. However, the revaluation result is shown to have been sent on 3.1.2008.

5. It is the submission of the counsel representing the 3rd respondent, the display on the Notice Board with regard to announcement of result and to collect the revaluation marks card sent by the University was announced on 3.1.2008 itself. But the same has not been collected by the petitioner.

6. There appears to be some communication gap between the petitioner and the college. Some mistake might have occurred at the office of the 3rd respondent and petitioner would have appeared for the exam subsequently held in respect of the very paper under the apprehension that she has failed and she has not secured the revaluation marks. But, on revaluation, the petitioner has passed in that particular subject. The University also has sent the marks card to the college and it was displayed on the notice board of the college. It was for the petitioner to approach the respondent college to collect the marks card. As such, question of announcing the result of the subsequent examination written by the petitioner may not arise since she had already passed as per the revaluation result.

7. However the respondent University has to be careful in such situation in future before causing any inconvenience or loss of academic time of the student which is more valuable and it shall direct the concerned Department/Section for revaluation and announcement of results of revaluation as per the schedule so as to avoid inconvenience to the students.

8. Further, as such an incident is shown to have happened due to communication gap the prayer with regard to payment of compensation/damages is dispensed with. If the petitioner has not collected the revaluated marks card, the same would be collected forthwith. Petition is disposed of.