

(2009) 12 KAR CK 0072
In the Karnataka High Court
Case No : Writ Petition No. 262 of 2009

Sri M.N. Poddar

APPELLANT

Vs

Vice-Chancellor (Examination), Karnataka State Open
University and Another

RESPONDENT

Date of Decision : 01-12-2009

Acts Referred:

Citation : (2010) 1 KCCR 745

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : B.R. Srinivasa Gowda, for the Appellant; V. Narayana Swamy, for Respondents-1 and 2, for the Respondent

Final Decision : Dismissed

Judgement

Mohan Shantanagoudar, J.—The petitioner has sought for the following reliefs in this writ petition:

a. Issue a writ of mandamus directing the respondents to issue xerox copy of the answer script of second year B.A. Economic paper examination taken in Roll. No. 304133 at Basaveshwara Arts University, Bagalkote and also Re-value the answer script of Examinations conducted by the respondents in Economic of Second year B.A. and final year B.A. History-3 and Political Science 5 and publish the result forthwith; in the interest of justice and equity.

The petitioner is a student of Karnataka Open University, Manasa Gangothri, Mysore. He joined Bachelor of Arts Course by taking subjects History, Economics and Political Science. After completing first year B.A. Course, he joined second year B.A. course. He appeared for examinations also. The petitioner failed in Economics paper of second year B.A. Thereafter, he appeared for Final year B.A. In the examination of final year B.A., the petitioner failed in History and Political Science papers. Thereafter, the petitioner deposited Rs. 900/- by way of demand draft with the respondent with a prayer of furnishing him xerox copies of answer

papers pertaining to the aforementioned three subjects. Rules and Regulations of University require that the petitioner should pay Rs. 500/- for getting xerox copies of answer sheets of one subject, which means, the petitioner had to pay Rs. 1,500/- for getting xerox copies of three answer papers in which, he had failed. Thus the University wrote back to the petitioner on 2.2.08 as per Annexure-C requesting the petitioner to send remaining amount of Rs. 600/- for getting xerox copies of the three answer scripts. Ultimately, the petitioner seems to have paid Rs. 600/- by way of Demand Draft dated 7.2.2008. In view of the same, the University furnished the xerox copies of History and Political Science paper of 3rd year B.A. Course. However, photostat copy of Economic paper of second year B.A. was not furnished to the petitioner, as the petitioner did not furnish his registration number of second year B.A. and the examination centre in which the petitioner appeared for second year B.A. examination. Consequently, the University wrote back to the petitioner as per Annexure-E on 1.4.08 instructing the petitioner to send the aforementioned details for sending the photostat copy of answer sheet pertaining to Economics paper of second year BA examination paper. There is nothing on record to show that the petitioner has furnished the requisite particulars to the University.

As aforementioned, the petitioner was requested to furnish information relating to his registration number and the centre from which he appeared for second year B.A. examination. Those particulars were not furnished by the petitioner and consequently, the University could not send the photostat copies of Economics paper of second year B.A. examination paper to the petitioner.

According to the petitioner, he has sent another Demand draft for Rs. 920/- for getting the three papers revalued. Since the papers were not revalued, he has filed this writ petition.

2. Sri Narayan Swamy, learned Counsel appearing on behalf of respondent University submits that the answer scripts of the candidates will be destroyed after about one year from the date of examinations. Since the examinations in respect of three subjects in which the petitioner has failed mentioned supra were conducted as back as on 17.6.07 and as this writ petition was filed on 5.1.09, the said papers will not be available as they will be destroyed by the University after one year from the date of examination and consequently the papers of the petitioner cannot be revalued. He further submits that there is nothing on record to show that the petitioner has sent Demand draft for Rs. 920/- and the same is received by the respondent University.

3. As aforementioned, the respondent University has already furnished the photostat copies of answer scripts of the petitioner in respect of History and Political Science papers of 3rd year B.A. However, the photostat copy of answer scripts of Economics paper of second year B.A. was not furnished by the petitioner, in view of the fact that the petitioner did not furnish the requisite particulars i.e., the registration number and the name of examination centre from which the petitioner wrote the second year B.A. examination, inspite of

request by the University. Hence, the petitioner cannot make grievance.

4. There is nothing on record to show that the petitioner has sent the Demand Draft for Rs. 920/- as alleged by him and that the same is received by the University within one year from the date of examinations. The examinations were conducted on 17.6.2007. We are in December 2009. Since the papers are already destroyed by University and as the petitioner has not taken steps to get his paper revalued at an early date, no relief can be granted in his favour in the writ petition. Accordingly, writ petition fails the same is dismissed.