

(2019) 02 KAR CK 0026

In the Karnataka High Court

Case No : Writ Petition No. 47655 Of 2015

Sri Srinivasa G A

APPELLANT

Vs

Registrar Evaluation

RESPONDENT

Date of Decision : 25-02-2019

Acts Referred:

Citation : (2019) 02 KAR CK 0026

Hon'ble Judges : Krishna S.Dixit, J

Bench : Single Bench

Advocate : M.P. Srikanth, Manmohan P.N

Judgement

1. The petitioner, a student of B.A. Course, was issued a Provisional Pass Certificate on 15.09.2015, which was later discovered to be wrong inasmuch as, in the April-May, 2013 examination for the paper 'Education', he had secured only 26 marks and was declared 'failed'.

2. The petitioner had sought for revaluation of the said paper which yielded to him some pass marks, which were allegedly loaded to the system by mistake and the petitioner's result accordingly was declared as "pass". However, percentage difference between the first valuation and the revaluation had justified the answer sheet being forwarded for third valuation in terms of the University Regulations and in the third valuation, he was declared as "fail".

3. Therefore, the respondent-University had issued the impugned endorsement dated 24.09.2015 at Annexure-N asking him to return the marks card and further to appear for the examination in the failed subjects. Aggrieved thereby, the petitioner has approached this Court.

4. After service of notice, the respondent-University has filed the Statement of Objections resisting the grant of prayer to the petitioner pointing out that it was only by inadvertence that his marks in the revaluation were loaded to the system and accordingly, the petitioner was declared passed, whereas the said paper having been sent for third valuation in the routine course, petitioner was found to

have secured less than the minimum passing marks and therefore, he has been issued the impugned endorsement, which cannot be faulted.

5. I have heard the learned counsel for the petitioner and learned panel counsel for the respondent-University. I have perused the petition papers and statement of objections.

6. Petitioner having failed in 'Education' subject in the examination of 2013, had applied for revaluation which yielded him the passing marks; the said revaluation marks were acted upon by the University by declaring the petitioner as having passed, although by inadvertence; the said declaration of result is to the world at large, the Passing Marks Card also having been issued to the petitioner.

7. True, it is that whenever the percentage difference between valuation and revaluation is in excess of particular value, the answer sheet goes for the third valuation in terms of the policy of the University and accordingly, this exercise was undertaken in the present case. There is a lapse attributable to the officials of the University in announcing the result of the petitioner on the basis of the marks obtained by him in revaluation when the paper was being sent for third valuation.

8. It is not the case of the University that the petitioner is culpable and in any way responsible for such announcement of the result pending the Third Valuation. Thus, for the fault of the University a student cannot be put to prejudice, especially when the Second Valuation had admittedly yielded his passing marks. Justice of the case requires that the impugned endorsement be set at naught and the result of examination of the petitioner needs to be left unimpeached.

9. The examination in question was held on 20.10.2013; the revaluation results were announced on 20.02.2013; immediately thereafter, the petitioner has been issued statement of marks; the impugned endorsement is issued on 24.09.2015. Thus, much water has flown under the bridges and reverse flow at this point of time is not possible.

10. In the above circumstances, this Writ Petition succeeds; a writ of certiorari issues quashing the impugned Endorsement dated 24.09.2015 issued by the respondent-University at Annexure-N.

No costs.