

(2006) 12 MAD CK 0005
In the Madras High Court
Case No : Writ Petition No. 25073 of 2005

T.R. Arun

APPELLANT

Vs

The Registrar, Pondicherry University and The Controller of
Examinations, Pondicherry University

RESPONDENT

Date of Decision : 13-12-2006

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 12 MAD CK 0005

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : T. Ramasamy, for the Appellant; K. Srinivasan, for the Respondent

Final Decision : Dismissed

Judgement

M. Jaichandren, J.—The Writ Petition has been filed praying for the issuance of a writ of Certiorarified Mandamus to quash the

unreasonable norms contained in Memorandum No. PU/EXAM/E8/2005, dated 13.5.2005, of the second respondent for revaluation of only

failed papers and to direct the respondents to revalue the answer papers of the petitioner in the 5th Semester examinations in the subjects i) Legal

Theory-Code No. 53(2) and ii) Constitutional Law II-Code No. 51(2) by independent examiners and to provide the petitioner with the xerox

copies of the answer papers, so as to ensure the transparency in the evaluation system prevailing in the University.

The brief facts of the case, as stated by the petitioner, are as follows:

2. The petitioner had written the last 5th Semester examinations conducted by the Pondicherry University in the month of December, 2004, under

Register No. 23619110. The results were declared, on 7.4.2005. Even though the

petitioner had passed in all the papers, he had secured very low marks in the two subjects. Despite his strenuous preparations and good performance, the following marks were secured by the petitioner:

	Subject ~ Code No. ~ Marks Secured	
	Legal Theory ~ 53(2) ~ 47	
	-----~-----~-----	
	Constitutional Law II ~ 51(2) ~ 47	

3. Therefore, the petitioner had submitted an application to the Principal of the College for revaluation in the above mentioned papers, on

19.4.2005, along with the necessary fees. The application was returned stating that there was no provision for revaluation of the passed papers.

Thereafter, the petitioner had forwarded an application for revaluation to the second respondent with a copy marked to the first respondent by a

request letter, dated 26.4.2005, requesting the second respondent to revalue his answer papers in the above mentioned subjects and to provide

the xerox copies of his answer papers, so as to ensure transparency in the evaluation system prevailing in the University.

4. The second respondent, by his Memorandum No. PU/EXAM/E8/2005, dated 13.5.2005, had sent a reply denying the request of the petitioner

for revaluation and for providing the xerox copies of the necessary papers. The petitioner had stated that the rule of reservation made available

only to the failed candidates is discriminatory, unreasonable and archaic. The petitioner had secured the highest marks of 40 out of the total of 50

marks in the Internal Assessment Examinations held in the College for the 5th Semester. However, in spite of his serious preparations for the

examinations and having performed well in his assessment, the petitioner ought to have been awarded much higher marks both in Legal Theory-

Code No. 53(2) and Constitutional Law II-Code No. 51(2) papers of the 5th semester examinations.

5. The petitioner had further stated that the Pondicherry University had voluntarily undertaken to re-correct all the failed papers of the students,

waiving the revaluation fees, in spite of there being no provision in the University regulations for such re-correction. This was done, since there was

a general dissatisfaction, grievance and unrest among the students of the College and since the evaluation of the papers in that particular semester

was not done satisfactorily.

6. It was further stated that the petitioner was confident of getting very high marks in both the papers. It would not have been less than 70% of the

marks in each of the papers. While the Madras University has the facility of providing the xerox copies of the answer papers to all the candidates

on demand, there could be no reason as to why that should be denied by the Pondicherry University. Therefore, the act of the second respondent

in denying the request of the petitioner for revaluation of the papers and for providing the xerox copies of the answer sheets is arbitrary,

discriminatory and unreasonable.

7. Therefore, the petitioner has preferred the present writ petition invoking the jurisdiction of this Court under Article 226 of the Constitution of

India.

8. In the counter-affidavit filed by the first respondent, it has been stated that the petitioner, who is a student of Dr. Ambedkar Government Law

College, Pondicherry, had appeared in the examinations conducted in the month of December, 2004 and had passed in all the subjects by securing

the following marks:

| Code + Subject + Marks obtained |

|=====|
=====|

| 51(2) + Constitutional Law II + 47 |

|-----+-----+-----|

| 52(2) + Family Law ? III + 53 |

|-----+-----+-----|

| 53(2) + Legal Theory + 47 |

|-----+-----+-----|

| 54(2) + Contracts ? II + 58 |

|-----+-----+-----|

| 1A(5) + Internal Assessment + 40 |

|-----|

9. The petitioner had submitted an application for revaluation, dated 20.4.2005, addressed to the Principal of the College, to revalue the Legal

Theory paper and Constitutional Law II paper. His application had been returned by the Principal, by a Memorandum, dated 20.4.2005, on the

ground that as per the rules in force, the revaluation would be considered only in the papers, where the candidates have failed. The conditions for

revaluation were printed on the reverse side of the application for revaluation. The petitioner, inter alia, states that the revaluation will be considered

only, if a candidate has failed in not more than two papers out of the total number of papers registered during that examination session.

10. It has also been stated that the revaluation will be considered only in the papers where the candidate has failed. Thereafter, the petitioner had

sent to the University directly an application for revaluation and to provide the xerox copies of the answer scripts. The University, by its order,

dated 13.5.2005, had informed the petitioner that his request for the revaluation of the passed subjects and for providing the xerox copies of the

answer papers cannot be complied with, since the conditions prescribed do not permit such a procedure.

11. Since there was a mass failure of the students in the L.L.B. Examinations of December, 2004 session, the students of the Dr. Ambedkar

Government Law College, Pondicherry, had approached the University authorities for the re-correction of all the answer scripts of the failed

students without collecting the applications and the fees for revaluation from the failed students. Accordingly, the re-correction was done and the

results were published. The matter had been placed before the Academic Council in its meeting, held on 20th and 21st of April, 2005. The

Academic Council had resolved to approve the re-correction of the answer papers, whenever the percentage of failure in any particular paper of a

given degree programme is 50% and above. Therefore, the claim of the petitioner for the revaluation in the passed papers cannot be entertained.

12. Heard the learned Counsels appearing for the petitioner as well as for the respondents.

13. The learned Counsel appearing on behalf of the petitioner had submitted that the petitioner, being a good student of law, had performed

exceedingly well in all his examinations. However, the petitioner was taken by surprise to know that he had secured only 47 marks out of 100 in

each of the papers. He had written the 5th Semester examinations, namely, Legal Theory and Constitutional law II. When the University could

offer re-correction of the answer papers of the failed candidates, there is no reason for denying the same opportunity for the candidates, who have

passed in their papers. Further, it is discriminatory to have different norms for passed and failed candidates in the application of the rule for

reevaluation. There has to be more transparency in the revaluation system being followed by Dr. Ambedkar Government Law College and the

Pondicherry University.

14. The learned Counsel appearing on behalf of the respondents had submitted that as per the rules in force, revaluation would be considered only

in the papers, in which the candidates had failed. There is no rule or regulation providing for the revaluation of the passed papers. The valuation of

the papers has been done only in accordance with the norms provided by the University and there is nothing wrong in rejecting the request of the

petitioner, who had wanted the revaluation of two of his papers, namely, legal Theory and Constitutional Law II in which he had passed by getting

47 marks out of a possible maximum of 100 marks allotted for each of the papers.

15. When the writ petition was taken up for hearing, based on the submissions made, this Court by its order, dated 8.11.2006, had directed the

respondents to place before this Court both the answer books of the petitioner relating to Legal Theory and Constitutional Law II papers, along

with the concerned question papers. The answer books were perused by a senior Lecturer of Dr. Ambedkar Government Law College, Chennai,

to report before this Court, if there were major and apparent discrepancies in the valuation of the answer papers of the petitioner. After perusal of

the answer papers, it was reported that there were no major or apparent discrepancies in the valuation of the concerned papers. This exercise had

been done only under the unusual circumstances that had prevailed during the relevant period following the LL.B. examinations conducted by the

Pondicherry University in the month of December, 2004, which had prompted the Pondicherry University to re-correct the papers of failed

candidates without charging the fee specified by the rules prescribed for the process of revaluation. With regard to the question of transparency in

the system of valuation of the papers, it is for the respondents to evolve a system by way of a policy decision.

16. In such circumstances, this Court is of the considered view that the prayer of the writ petitioner cannot be granted. Therefore, the writ petition

stands dismissed. No costs.