

(2008) 11 AHC CK 0129

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 50986 of 2008

Vivek Singh Yadav

APPELLANT

Vs

Chhatrapati Shahu Ji Maharaj University, Kanpur through its
Registrar & others

RESPONDENT

Date of Decision : 10-11-2008

Acts Referred:

Citation : (2008) 11 AHC CK 0129

Hon'ble Judges : Vineet Saran, J

Final Decision : Allowed

Judgement

Vineet Saran, J.

Heard Ms. Preeti Mishra, learned counsel for the petitioner as well as Sri P.K. Tripathi, learned counsel appearing for respondentUniversity and have perused the record. With consent of learned counsel for the parties, this writ petition is disposed of at this stage.

The petitioner had appeared in the B.A PartII Examination2008 conducted by the respondentUniversity. The result of the petitioner of the said examination had been withheld, whereas the result of all other students was declared some time in the month of July, 2008. When two months had passed and no order or reason for withholding the result of the petitioner was given by the respondentUniversity, he filed this writ petition with the prayer for a direction in the nature of mandamus commanding the respondents to declare his result of B.A. PartII Examination2008.

Time was granted to Sri P.K. Tripathi, learned counsel for respondentUniversity to file counter affidavit. A counter affidavit has been filed and he has also produced the original documents to show that the result of the petitioner had been withheld on the basis of some report of the Centre Superintendent of the College in question, which mentioned that the petitioner has used unfair means in Education PaperII of the B.A. PartII Examination.

A perusal of the said report of the Centre Superintendent of the College shows that he has put his signature on blank form, with some noting only on the first page. It is mentioned that certain material was found in possession of the petitioner. Such material, which has been annexed along with this report, does not even bear the signature of the Centre Superintendent of the College and it only bears the seal of some other Officer. It is very unfortunate that though the results of all other students have been declared in July, 2008 but till date no decision has been communicated to the petitioner as to why his result of B.A. PartII Examination has been withheld. The only explanation given by the respondentUniversity is that after the report was received from the Centre Superintendent of the College, the papers have been forwarded to the Examination Committee, which passes such order. Admittedly, till 24th September, 2008 when the writ petition was filed, no such decision had been taken by the Examination Committee. Sri Tripathi has informed the Court that the original documents were sent to him some times in October, 2008 and till then also there was no effort made by the respondentUniversity to refer the matter to the Examination Committee. This action of respondentUniversity clearly shows that how casually the University treats such a serious matters, which relate to the future of the students. This Court does not mean that the student, who actually used unfair means, should be given any indulgence but on the other hand the University is to treat such matters seriously and give due importance and decide the same expeditiously. Such a casual attitude of the University clearly shows the callous attitude of the University towards the student without realizing the trauma of the student, which he faces because of his result having been withheld without even being told the reason for the same.

Ms. Preeti Mishra, learned counsel for the petitioner has informed that the forms of B.A. PartIII Examination2008 are to be filled up by the students by the end of this month.

On perusal of the record as well as explanation given by the Sri P.K. Tripathi, this Court is not satisfied with the conduct of the respondentUniversity as well as the reasons for which the result of the petitioner has been withheld. The answer copy, which bears the stamp of U.U.F.M. (Using of unfair means) is a blank copy, whereas the answers are given by the petitioner in a separate answer copy. If at all the petitioner had used the unfair means, the least that the University could have done was to take a decision in the matter at the earliest, which the respondentUniversity has fail to do so.

In the aforesaid circumstances, keeping in view that the result of a candidate cannot be kept withheld for an indefinite period without disclosing any reason, in my view, the conduct of respondentUniversity is totally unjustified and it is thus directed that the respondentUniversity shall declare the result of the petitioner of B.A. PartII Examination2008 forthwith. If he is declared pass in the said examination, he shall be permitted to fill up the form of B.A. PartIII Examination2008 and appear in the said examination.

Accordingly, this writ petition stands allowed with cost, which this Court assesses at Rs. 2,000/=. This cost is being awarded only for the reason that the University has not acted promptly in taking action against the petitioner, if he was at fault and has kept the matter pending for months together, which required immediately attention of the University and also because the petitioner, who is a student, must have faced difficulties and embarrassment all these months as the result of the petitioner has not been declared.

However, after the order regarding the cost having been passed, Sri P.K. Tripathi made a request that the University would declare the result within two weeks and the cost, which has been awarded, may be withdrawn. Learned counsel for the petitioner also did not insist on the payment of cost provided the result of the petitioner is declared within two weeks. In such view of the matter, it is provided that the respondent University shall not be liable to pay cost, if the result of the petitioner is declared within two weeks from today.