

THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 12.03.2015

+ **W.P.(C) 881/2015 & CM 1538-1539/2015, 4342/2015**

INDRAJIT GHOSH

..... Petitioner

versus

**THE REGISTRAR, JAWAHARLAL NEHRU
UNIVERSITY & ORS.**

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms Chetna Gera.

For the Respondents : Mr Mohinder Jit Singh Rupal
for JNU/R-1 to R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

JUDGMENT

VIBHU BAKHRU, J (ORAL)

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“i) Respondent no.1 and 2 to get the answer sheet of the M.A. (Philosophy) Entrance Exam of the Petitioner re-evaluated by an independent and neutral person outside the influence of Respondent no.1, 2 & 3 and place the Petitioner at appropriate position in the merit list of the entrance examination of the M.A. (Philosophy).”

2. The petitioner appeared for the entrance examination for seeking admission to Jawaharlal Nehru University (hereafter ‘JNU’) for the postgraduate degree course of M.A (Philosophy). The petitioner was awarded 17 marks out of 100, which was much lower than the petitioner’s

expectation. The petitioner applied for a copy of the answer sheets under the Right to Information Act, 2005, which was provided to the petitioner. According to the petitioner, his answers have not been evaluated fairly.

3. It is the petitioner's case that the respondent-university had not removed the identity slip on the answer sheets and thus the identity of the petitioner was known to the examiner. It is urged that this was in violation of Rule 5.1 of the Admission Policy. It is further asserted that the examiner in question (respondent No.3) bore a grudge against the petitioner on account of certain arguments that had taken place during the class. The petitioner further alleges that respondent No.3 also knew the handwriting of the petitioner and, being vindictive had deliberately awarded less mark to the petitioner. He, accordingly, prays that the answer sheets of the entrance examination of M.A. (Philosophy) be re-evaluated.

4. The learned counsel for JNU submits that there is no rule for re-evaluation of answer sheets. He further disputes that the contention that the petitioner has been unfairly treated.

5. I have heard the counsel for the parties.

6. It is relevant to refer to Rule 5.1 of the Admission Policy, which reads as under:

"5 Selection of Candidates

5.1 On receipt of the Answer Scripts from the Examination Centres these are shuffled and secret code numbers are given to each one of them by the computer Agency after removing the details of the candidate i.e. name, registration number, centre of

examination etc. These code numbers are not even known to the officers/staff members who are involved in the Admission process. Thereafter the answer scripts are forwarded to the centres/schools concerned for evaluation. Based on the performance of the candidates in the written examination, they are invited to appear for the viva – voce (wherever prescribed). After the viva voce is held, deprivation points wherever applicable, are added to the total score of the candidate and coded merit lists drawn. Thereafter the coded merit lists are forwarded to the Centres/schools concerned.”

7. Although the petitioner has canvassed that the above rule was violated and the portion of the top sheet bearing the name of the petitioner had not been removed, the respondent-university has disputed the same and has sworn an affidavit, *inter alia*, stating as under:-

“That the answer-scripts for the Entrance Test for admission to M.A. (Philosophy) had been coded and the identity of the candidates was concealed, by detaching the identity-sheet/part of the title page of the answer script, when received in the office of the Centre for Philosophy. The answer-scripts were evaluated by a Board of Examiners, consisting of faculty of the Centre, sitting together in the Conference Room of the Centre for Philosophy. The answer-scripts were distributed randomly amongst individual examiners. The identity of none of the candidates and the answer-scripts was known to any of the examiners evaluating the answer-scripts. The answer-scripts are evaluated strictly as per Rule 5 (5.1) of the Admission Policy of the University which has already been reproduced in the present Writ Petition at paragraph 5(bb) of page 18. It is pertinent to mention here that the petitioner has annexed the photocopy of the title page of the answer

book (Annexure-VI – page 45) wherein his identity-sheet had been re-attached and stapled for the purposes of finalization of the results.”

8. The original answer sheets of the petitioner as well as another candidate (one Akansha Priya) have been produced in Court and it clearly indicates that the portion of the answer sheet which reflects the identity of the petitioner had been detached and had been re-attached by staples. The staple marks are also visible on the photocopy of the answer sheet that was supplied to the petitioner pursuant to his application under the Right to Information Act, 2005. Since the line of perforation, which is meant for tearing the portion of the top cover of the answer sheets bearing the name and details of the candidates (i.e the petitioner and Akansha Priya) is visible in the photocopies of the answer sheets supplied to the said candidates, the petitioner has, apparently, assumed that the said portion of the top cover had not been detached. The said photocopies do not indicate that the identity sheets had been removed or the identity codes assigned. However, on examining the original answer sheets it is apparent that the same had been torn and reattached. The identity codes awarded have been concealed by a slip and thus not visible on the photocopies of the answer sheets; the same is also evident on examining the original answer sheets.

9. In the circumstances, it is apparent that the petitioner has filed the present petition on an erroneous premise that Rule 5.1 of the Admission Policy had not been followed by the respondent-university.

10. There is also no material to indicate that while evaluating the answer sheets of various candidates, respondent no. 3 was aware of that the

particular answer sheet being evaluated was that of the petitioner. More importantly, there is no material to conclude that respondent no. 3 was biased against the petitioner; the contention that respondent no. 3 is inimical to the petitioner is, therefore, not sustainable.

11. It is well established that the petitioner does not have any inherent fundamental right for revaluation of his answer sheets. The Supreme Court in **Pramod Kumar Srivastava v. Chairman Bihar Public Service Commission, Patna & Ors.:** 2004 (6) SCC 714 relying on the earlier decision in **Maharashtra Board of Secondary and Higher Secondary Education and Anr. v. Paritosh Bhupesh Kumar Sheth & Ors.:** 1984 (4) SCC 27 clearly held that in the absence of any provision for re-evaluation of answer books in the relevant rules, no candidate in an examination has any right to claim or ask for re-evaluation of his marks. This decision has also been followed by the Supreme Court in **Board of Secondary Education v. Pravas Ranjan Panda & Anr.:** (2004) 13 SCC 383.

12. In view of the aforesaid, the petition and pending applications are dismissed. No order as to costs.

VIBHU BAKHRU, J

MARCH 12, 2015

pkv/RK