

GAHC010178632015



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5883/2015

MD. ZAKIR HUSSAIN
S/O LT. NAUCHAD ALI VILL and P.O. TITKURI P.S. RANGIA DIST. KAMRUP
R, ASSAM PIN - 781354.

----VERSUS----

1. THE REGISTRAR and ANR,
GAUHATI UNIVERSITY, JALUKBARI, GUWAHATI - 781014.

2:THE CONTROLLER OF EXAMINATION
GAUHATI UNIVERSITY
JALUKBARI, GUWAHATI - 781014

Advocate for the Petitioner : MR.M R SODIAL

Advocate for the Respondent :

- B E F O R E -

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

22.01.2024

Heard Mr. P. Mahanta, learned counsel for the petitioner. Also heard Mr. P.J. Phukan, learned Standing Counsel, Gauhati University.

2. In the present proceeding, the petitioner has raised a grievance with regard to his prayer for re-evaluation of 2(two) Papers, i.e. Paper-06 and Paper-07 of B.Ed.

examination held in August, 2014 which was not considered by the Gauhati University authorities.

3. The learned counsel for the petitioner by referring to the money receipt issued to him against payment of the prescribed fees for re-evaluation of Paper-06 and Paper-07 of his B.Ed. examination of 2014 draws the attention of this Court to the endorsements made therein and submits that the same are the marks scored by the petitioner after re-evaluation of the said 2(two) Papers, which was recorded therein on approach made by the petitioner. It is the grievance of the petitioner that the authorities of the University have not issued to him a fresh mark sheet recording the said marks scored by him in the said Papers after re-evaluation.

4. The respondent Gauhati University had filed 2(two) affidavits and therein a stand was taken that no re-evaluation was done with regard to the Paper-06 and Paper-07 of B.Ed. examination of the petitioner held in August, 2014.

5. Having regard to the contradictory stands advanced by the parties with regard to the issue of re-evaluation of the Papers involved of the petitioner, Mr. P.J. Phukan learned Standing Counsel, Gauhati University was required to have his instructions in the written form in the matter.

6. Today at the time of hearing, Mr. Phukan placed on record the instructions issued by the Controller of Examinations, Gauhati University, dated 16.01.2024, wherein it has been stated that after a careful scrutiny of the relevant records, it is found that no re-evaluation exercise as requested by the petitioner was carried out with regard to the Papers in dispute of the petitioner in his B.Ed examination held in August, 2014. It is contended that as there was no re-evaluation, there was no change in the marks originally scored by the petitioner.

7. It is not understood as to how after having received the due amount for the said re-evaluation exercise, the Gauhati University authorities had not proceeded to carry out the said exercise. What is relevant to note herein is that in the event of re-

evaluation of Paper-06 and Paper-07 was not permissible, it was required by the Gauhati University to communicate the same to the petitioner and also to refund the amount paid by him for such re-evaluation.

8. In view of the fact that the said examination was held in August, 2014 and on account of long lapse of time and also the categorical statements made in the affidavit filed by the Gauhati University as well as in the written instruction dated 16.01.2024 noted hereinabove, that the Gauhati University authorities had not carried out any re-evaluation in the matter, I am of the considered view that, as on date a re-evaluation exercise may not be permissible to be directed to be carried out inasmuch as the Papers in question may not be available on record.

9. In that view of the matter, the writ petition stands closed.

10. With regard to the amount paid by the petitioner for re-evaluation exercise, which was admittedly not carried out, Mr. P. Mahanta, learned counsel for the petitioner has fairly submitted that the petitioner is not desirous as on date to have the amount refunded to him and the same be retained by the Gauhati University authorities. Accordingly, no direction on the issue is passed.

11. A copy of the written communication dated 16.01.2024 is kept on record and marked as "X".

JUDGE

Comparing Assistant