

GAHC010185282019



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

Case No. : WP(C)/5625/2019

KAMALUDDIN AHMED
S/O MD. PRAMOD AI, R/O VILL. CHURCHURI, P.O. BARNARDDI, P.S.
BELSOR, DIST. NALBARI, ASSAM, PIN-781303

VERSUS

KRISHNA KANTA HANDIQUI STATE OPEN UNIVERSITY AND 4 ORS.
REP. BY ITS VICE CHANCELLOR, HEAD OFFICE, PATGAON, RANI,
GUWAHATI, DIST. KAMRUP, ASSAM, PIN-781017

2:THE REGISTRAR
KRISHNA KANTA HANDIQUE STATE OPEN UNIVERSITY
ADD. HOUSEFED COMPLEX
DISPUR
GUWAHATI
DIST. KAMRUP (M)
ASSAM
PIN-781006

3:THE CONTROLLER OF EXAMINATIONS
KRISHNA KANTA HANDIQUE STATE OPEN UNIVERSITY
ADD. HOUSEFED COMPLEX
DISPUR
GUWAHATI
DIST. KAMRUP (M)
ASSAM
PIN-781006

4:THE COORDINATOR
KRISHNA KANTA HANDIQUE STATE OPEN UNIVERSITY STUDY CENTRE
SWAHID SMRITI COLLEGE
BELSOR

P.O. BELSOR
DIST. NALBARI
ASSAM
PIN-781304

5:KISHOR BAYAN
S/O SHRI AKSHYA BAYAN
R/O KAKAYA
PO. AND P.S. KAKAYA
DIST. NALBARI
ASSAM
PIN-78130

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : MR. L SHARMA

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 22.01.2024

Heard Mr. T. Deuri, learned counsel for the petitioner. Also heard P. J. Phukan, learned standing counsel for the KK Handique State Open University (KKHSOU).

2. The petitioner, in the present proceedings has raised his grievance with regard to the fact that the results of his B.A. course examinations were not being declared by the KKHSOU.

3. The petitioner, in the writ petition has projected that he had registered for the said B.A. course with the said university from its study centre Swahid Smriti College, Belsor. It is contended that the petitioner was allotted registration no. 15018996, but, his name was not reflected and the name of one Kishor Bayan was shown. It is stated that Kishor Bayan had a different registration no. i.e. 15018997.

The petitioner by referring to the admit card issued for the different examinations conducted for the course in question states that although the admit card issued to him had his photograph and registration no.15018996, but, the name was shown as Kishor Bayan. The petitioner after the first semester examination had approached the authorities of Swahid Smriti College, Belsor, requesting for correction of the error occasioning in registration details as well as in the admit card issued to him. The authorities of Swahid Smriti College, Belsor, had vide communication dated 18.07.2018 forwarded the application of the petitioner for correction of his particulars to the Controller of Examination of the KKHSOU. The Registrar of the said KKHSOU vide communication dated 06.03.2019, by holding that there is no registration made in the name of Mr. Kamaluddin Ahmed, against registration no. 15018996 rejected the application of the petitioner for correction of his particulars in the details recorded in the records of the KKHSOU. It was further highlighted in the said communication dated 06.03.2019 that Kishor Bayan was allotted registration no. 15018996 and in all the admit cards for the exams held for the said course, it is the said registration no. that continued to be associated with the name of Kishor Bayan.

4. In the affidavit filed by the respondent, KKHSOU, the position as reflected to herein above was reiterated.

5. Today, when the matter was taken up, Mr. P. J. Phukan, learned standing counsel has placed on record a speaking order, dated 06.04.2023, issued jointly by the Registrar and Controller of Examinations, KKHSOU and therein also the prayer of the petitioner for correction of his name as recorded in the records of the B.A. course was rejected.

6. Poised thus, the learned counsel for the petitioner has drawn the attention of this Court to an affidavit filed on 15.10.2020 by the respondent no. 5, more particularly, to the statements made in Paragraph-4 thereof. The relevant portion

of the statements made in Paragraph-4 is extracted herein below:-

”The answering deponent did not appear in the B.A, 1st Semester Examination, 2015. The answering deponent further submits that the answering deponent had thereafter not pursued the three years degree course in the Arts stream i.e. Bachelor of Arts in the Krishna Kanta Handiqui State Open University.”

The said submission of Kishor Bayan has the effect of again opening up of a new dispute and it contradicts the findings made by the authorities of the said Open University. However, what is to be noted here is that there is no document available on record to conclusively come to the conclusion that the registration no. 15018996 was erroneously issued in the name of Kishor Bayan. In absence of any such clinching materials available on record, this Court would not be in a position to conclude either in favor of the petitioner or in favor of the KKHSOU.

7. In the said view of the matter and the rights of the petitioner to have the said degree assigned in his name, this Court, would require the petitioner to approach the civil Court of competent jurisdiction for a declaration that he is the actual holder of the registration no. 15018996 and the name Kishor Bayan as recorded against the said registration no. was so done erroneously.

8. The petitioner may approach the civil Court of competent jurisdiction and in the event of any such approach made by the petitioner, the said Court shall consider the matter on its merit and come to its independent conclusions thereof.

9. The observations, if any, made in this order or in the order(s) passed in this proceedings earlier shall not be binding on the Trial Court and the Trial Court shall arrive at its independent conclusion with regard to the grievance raised by the petitioner, basing on the materials coming on record before it.

10. With the above observations, the writ petition stands disposed of.

11. The speaking order dated 06.04.2023, produced by Mr. Phukan, learned

standing counsel is kept on record and marked as 'X' for identification.

JUDGE

Comparing Assistant