

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPA 150/2024 In [OWP 121/2019]

Pronounced On: 22.12.2025

Uploaded On: 23.12.2025

1. University Of Kashmir through its
Registrar, Hazratbal, Srinagar

2. Controller of Examination,
University of Kashmir, Hazratbal
Srinagar.

...Appellant(s)

Through: Mr. Asif Maqbool, Advocate with
Mr. Ummat Jan, Advocate

Vs.

Abdul Basit
S/O: Reyaz Ud Din Masoodi
R/O: Bandipora

...Respondent(s)

Through: Mr. Bhat Fayaz, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER (ORAL)

22.12.2025

1. This intra-court appeal by the University of Kashmir is directed against an order and judgment dated 10th May, 2024 passed by the learned Single Judge of this Court [“the writ Court”] in OWP No. 121/2019 titled “**Abdul Basit Vs. University of Kashmir and Another**”, whereby the writ Court, while allowing the writ petition filed by the respondent, directed the appellant-University of Kashmir to pay an amount

of Rs. 1.00 lacs to the respondent as damages along with interest at the rate of 6% per annum.

2. The aforesaid direction has been issued by the writ Court on the premise that the appellants, by wrongly applying the University statute compelled the respondent to reappear in the examination and, therefore, were liable to compensate the respondent for the time lost in reappearing and qualifying the B.A. 5th Semester examination. While we do not find any fault in the interpretation placed by the writ Court on the statute in question, we are of the view that, in the given facts and circumstances of the case, the respondent was not entitled to any additional marks on re-evaluation.

3. In the first evaluation, one of the answers given by the respondent was not evaluated by the examiner/evaluator for the reason that there was no mention of any question in the question paper in reference whereof the answer was submitted. We have perused the answer script and find that one of the answers is not referable to any question. In these circumstances, the examiner/evaluator was well within its right in not evaluating the said answer.

4. Be that as it may, it also cannot be denied that the second evaluator which evaluated the paper upon the request of the respondent found the said answer as referable to Question No. 5 and awarded 12 marks. It is equally true that the appellant-University applied the average formula as contained in statute 10 (V) and (VI) (Amended), whereas the

marks awarded by the second evaluator for the unchecked answer ought to have been added straightaway.

5. It has further come on record, that in the next attempt the respondent qualified the paper in which he had been shown as “reappear” in the earlier result and successfully qualified the B.A 5th Semester. It is in this background the writ Court considered the matter and found the reliefs prayed for in the writ petition having rendered infructuous. However, the writ Court compensated the respondent by awarding a compensation of Rs. 1.00 lacs. The appellant-University is aggrieved of the grant of compensation and is before us in this appeal.

6. Having heard learned counsel for the parties and considered the material on record, we are of the considered opinion that it is not a case where compensation should be awarded to the respondent. The respondent cannot be permitted to take the benefit of his own wrong.

7. Indisputably, he had submitted an answer which was not referable to any question and, therefore, was rightly not evaluated. It is possible that, upon re-evaluation, the evaluator made an effort to correlate the said answer with Question No. 5 and awarded additional marks, which may have resulted in the respondent qualifying the B.A. 5th Semester. However, before the controversy could be set at rest the respondent appeared once again in the 5th Semester and

qualified the same on his own merit. This ought to have put a quietus in the matter.

8. For the foregoing reasons, we are of the opinion that it was not a fit case for awarding exemplary compensation to the respondent, more particularly when the respondent himself was responsible for creating the mess.

9. Accordingly, the appeal is allowed and judgment impugned is **set aside**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

22.12.2025

"Mir Arif"

- (i) Whether the order is reportable? Yes/No.
- (ii) Whether the order is speaking? Yes/No.