



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO.5241 OF 2022 (S-KSAT)

BETWEEN:

NAGARAJ DURAGANNAVAR
S/O VENKAPPA DURAGANNAVAR
AGED ABOUT 29 YEARS
R/O HOUSE NO.284, DURGADEVI COLONY,
WARD NO.18, GOKAK,
DISTRICT BELGAVI - 591 307.

...PETITIONER

(BY SRI. MADANGOUDA N. PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF EDUCATION,
(PRE-UNIVERSITY EDUCATION)
M. S. BUILDING, BENGALURU - 560 001.
2. THE DIRECTOR
PRE - UNIVERSITY EDUCATION BOARD,
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM, BENGALURU - 560 012.
3. THE KARNATAKA EXAMINATIONS AUTHORITY
REP. BY ITS EXECUTIVE DIRECTOR,
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM, BENGALURU - 560 012.

...RESPONDENTS

(BY SRI. B.J.ESHWARAPPA, AGA FOR R1 & R2;
SRI. N.K.RAMESH, ADV. FOR R3)

Digitally
signed by
CHETAN B C
Location
HIGH COURT
OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS ON THE FILE OF THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL IN APPLICATION NO. 6363/2019 AND UPON PERUSAL, MAY KINDLY BE PLEASED TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER QUASHING THE ORDER DATED 16.11.2021 IN APPLICATION NO.6363/2019 PASSED BY THE LEARNED KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BANGALORE AT ANNEXURE - D AND CONSEQUENTLY ALLOW THE SAID APPLICATION NO.6363/2019 AS PRAYED THEREIN AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
AND
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE KRISHNA S DIXIT)

Petitioner is knocking at the doors of Writ Court for assailing the State Administrative Tribunal's order dated 16.11.2021 whereby, his Application No.6363/2019 having been dismissed, relief as sought for therein has been denied. In the said Application, he had called in question for quashing the selection list of lecturers in Government PU Colleges published on 15.10.2019 by the 3rd respondent herein and further, for a direction to the said respondent to undertake revaluation of OMR sheets of all



the candidates in terms of Negative marking as provided under Rule 2 of the Karnataka General Services (Pre-University) (Recruitment) Rules, 2013. In other words, for each wrong answer, a Quarter mark is to be deducted and not 25 per cent. This is supported by the recruitment notification dated 15.5.2014, relevant part of which reads as under:

"...the valuation of multiple choice question shall be done on the basis of negative marks valuation. In case of wrong answer, quarter mark shall be deducted for each wrong answer."

2. Learned counsel for the petitioner draws our attention to Schedule 10 of Rule 2 of 2013 Rules to contend that what is to be deducted for a wrong answer is not just Quarter mark but 25 per cent of the marks earmarked for such answer. According to him, this view gains credence from the literature of NEET & KPSC Examinations. Learned AGA and the learned Penal Counsel appearing for the respondents repel this contention drawing our attention to the Rule position.



3. Having heard the learned counsel for the parties and having perused the Petition Papers, we decline indulgence in the matter inasmuch as the Negative valuation prescribed under the Rules specifies Quarter mark as against each of the wrong answers, and not 0.25 per cent of the marks prescribed for the answer in question. Despite vehement submission, learned counsel is not in a position to show wherefrom he justifiably draws the idea of percentage when what is deductible is specified to be Quarter mark.

4. The vehement submission of learned counsel for the petitioner that in NEET & KPSC Examinations of the kind, direction is on percentage basis, does not come to his aid inasmuch as those norms are not adopted in the subject examination. How the Policy of Negative marking should be, is a matter left to the Executive, to put it in a broader way. Added, the Rule as such, is not challenged. If the Rule Maker intended 25 per cent deduction *vis a vis* Quarter mark, he would have structured the Rule



accordingly. In the guise of interpretation, court cannot rewrite the Rule.

5. The impugned order of the Tribunal is framed with the above view in mind, although there is a lot of scope for expressing it more articulately than what is stated. There is always scope for improvement even in heaven, said Oscar Wilde (1854-1900), an English Playwright.

In the above circumstances, this petition being devoid of merits, is liable to be and accordingly dismissed, costs having been made easy.

Sd/-
(KRISHNA S DIXIT)
JUDGE

Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE

Bsv/cbc
List No.: 1 Sl No.: 9