

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 23493 of 2014 (J)

PETITIONER(S):

**RESMI T,
D/O.RAVEENDRA KUMAR, RAVEENDRA NIVAS, PERUMUDIYOOR
PATTAMBI
PALAKKAD DISTRICT (REGISTRATION NO.PRN TR 01111210212)**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENT(S):

- 1. THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR
MAHATMA GANDHI UNIVERSITY, PRIYADARSINI HILLS (PO)
KOTTAYAM, PIN-686560.**
- 2. THE PRO-VICE-CHANCELLOR,
MAHATMA GANDHI UNIVERSITY, PRIYADARSINI HILLS (PO)
KOTTAYAM, PIN-686560.**
- 3. THE CONTROLLER OF EXAMINATION,
MAHATMA GANDHI UNIVERSITY, PRIYADARSINI HILLS (PO)
KOTTAYAM, PIN-686560.**

ADDITIONAL RESPONDENTS

**Addl.4. NIRMALA COLLEGE OF ENGINEERING
KUNNAPPILLY (PO), MELOOR, CHALAKUDY
PIN - 680 311, REPRESENTED BY ITS PRINCIPAL**

**Addl.5. NIRMALA COLLEGE OF INFORMATION TECHNOLOGY
CHALAKUDY IN THRISSUR DISTRICT, PIN - 680 307
REPRESENTED BY ITS PRINCIPAL
(ADDL.R4 & ADDL.R5 ARE IMPEADED AS PER ORDER DATED 20.10.2014
IN IA 14036/14)
R1 -R 3 BY ADV. SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY
R4-R5 BY ADV. SRI.P.K.SAJEEV**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: COPY OF THE RESULT SHEET OF THE PETITIONER.**
- EXT.P2: COPY OF THE CHELAN EVIDENCING THE PAYMENT OF THE FEES FOR SCRUTINY BY THE PETITIONER.**
- EXT.P3: COPY OF THE CHELAN EVIDENCING THE PAYMENT OF THE FEES FOR REVALUATION BY THE PETITIONER.**
- EXT.P4: COPY OF THE REPRESENTATION DATED 09.07.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXT.P5: COPY OF THE LETTER DATED 22.08.2014 ISSUED BY THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS

- EXT. R1(a) COPY OF APPLICATION UNDER RTI ACT BY THE PETITIONER ALONG WITH THE ANSWER TO THE SAME.**
- EXT.R1(b) COPY OF U.O NO. 386/EAII/1/280/2014/EXAM DTD. 5.9.14.**

// TRUE COPY //

P.A to Judge

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.23493 of 2014 - J

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Dated this the 9th day of March, 2015

J U D G M E N T

The petitioner is aggrieved with the non-publication of her results. The grievance projected is insofar as, one of the papers of the 1st semester in the B.C.A course, which the petitioner undertook under the 1st respondent is said to be missing. The petitioner was the student of an off-campus center of the 1st respondent University in the B.C.A course. The 1st and 2nd semester examinations were held in the year April and May 2013. The petitioner had appeared for all the examinations of the said semesters and had passed in every papers, but in the Basic Statistics paper of the 1st semester. The petitioner applied for scrutiny and revaluation.

2. The petitioner was then informed that, the marks obtained were 'Zero' and in scrutiny however, no evaluation of internal assessment was supplied. On further

enquiry, the petitioner was informed that, the internal assessment sheet is missing. It is admitted by the University who, appears here, through the learned Standing Counsel that, the internal assessment sheet is missing. The University blames the college in which the examination was conducted. The 4th respondent college affiliated to the respondent University has filed a counter affidavit, in which it is stated that, the entire answer papers were sealed in the presence of the University officials and it is not clear as to how the papers are missing. The University is said to have initiated an enquiry into the matter.

3. De hors the enquiry, the petitioner student cannot be prejudiced and kept waiting till the result of the enquiry. The fact remains that, the internal assessment papers of the petitioner, in one paper is not traceable. However, the external examination mark sheet is with the University and the petitioner is said to have obtained the minimum qualifying marks in the external examination. It is the case of the University that they would conduct a further

examination in externals and internals, for the petitioner alone.

4. However, there would be no requirement for the petitioner to be put through another external examination since, she has already appeared in both the internal and external and has obtained the minimum required marks in the external papers. What would be required is only convening of an internal assessment, which shall be done in the 4th respondent college, by the University, within one month from today. The petitioner shall not be liable to pay any fees for the said examination. The marks in the internal assessment shall be taken together with the marks obtained in the external examination appeared earlier and the results shall be published accordingly.

The writ petition is disposed of. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge