

CWP NO. 17769 OF 2014
Date of decision: 9.04.2015**Kush Saggi**

..... Petitioner

versus

Kurukshetra University, Kurukshetra

..... Respondent

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**Present:** Mr. Kiran Pal Singh, Advocate
for the petitioner.Mr. Mohinder Singh, Advocate
for the respondent.**Rakesh Kumar Jain, J.(Oral)**

The petitioner has prayed for a writ in the nature of certiorari for quashing the order dated 6.08.2014 whereby his application for re-evaluation of the answer sheet of the subject VHDL & Digital Design of B.Tech course has been declined on the ground that his answer sheet has been misplaced.

Counsel for the petitioner has submitted that the petitioner had failed twice in the same subject but this time he was quite hopeful of his success but unfortunately the result was against him. Thus, applied for re-evaluation of result and deposited the requisite fee. However, the respondent/university has informed him that the re-evaluation cannot be conducted because his answer sheet has been mixed up with other papers and is not traceable, therefore, prayer made by him for re-evaluation cannot be accepted. Counsel for the petitioner has challenged the action of the respondent by way of this writ petition and has referred to rules of the

University with regard to the preservation and inspection of the old record. It is submitted that re-evaluated/re-checked answer sheets are to be preserved by the University for one year after the finalisation of re-evaluation cases and there is no fault of the petitioner for which he should be penalised, who belongs to a middle class family and has no means to get the coaching again.

After notice, respondent has filed the reply and has referred to Clause 18.1(a) of the Ordinance IV (Paper setting and evaluation). The said rules is read as under:

“18.1(a) A candidate for examination in theory papers except in the subject of environmental studies for under graduate-classes, Project Reports; Dissertations; Practical Answer-Books; sessionals; internal assessments; assignments; Viva-Voce reports and where the answer-books of an examination are evaluated by double examiners and in the examinations in the Faculty of Medical Sciences excluding Bachelor of Pharmacy, M.Pharmacy, BDS etc; will be allowed to have the answer-books in theory papers re-evaluated. The candidate shall have to apply on the prescribed Form accompanied by the original Detailed Marks Card and the re-evaluation fee of Rs.300/- (Rs.500/- for Engineering BAMS; B.Pharmacy, M. Pharmacy, and Rs.1000/- for BDS Exams.) per answer-book within 20 days of the date of publication of the result/gazette/notification or within 15 days of the date

of dispatch of Detailed Marks Card by the University office as indicated on the Detailed Marks Card whichever is later. Application received not more than three days after the last date will be considered only if the same has been posted on or before the last date prescribed above. Candidates can also submit their re-evaluation forms after the expiry of above mentioned time limit upto next 15 days with late fee of Rs.300/- per application. The re-evaluation of answer-book(s) shall not be allowed on any account whatsoever after one year of the examination. In case an application is rejected being time barred or being inadmissible; 50% of the amount paid will be refunded. In case the result/marks of the candidate is/are revised on re-checking before re-evaluation and the candidate is not interested in re-evaluation then full fee will be refunded. In case the answer-book(s) is lost or is damaged/destroyed due to any reasons and it is not possible to get it re-evaluated; the candidate shall have the option either for refund of full Re-evaluation fee or to re-appear in the subsequent examination in the paper(s). No examination fee shall be charged from a candidate who opts for re-examination under this clause.”

After hearing both the counsels and examining the record, I am of the considered opinion that there is no fault of the petitioner as he had

deposited the requisite fee vide Annexure P-2 and was quite hopeful that in re-evaluation, he would be declared pass but unfortunately his answer sheet was misplaced and could not be traced despite best efforts. To meet with this kind of situation, the University has framed the rule that in case the answer sheet would be lost or destroyed, due to any reason and it is not possible to get it re-evaluated then the candidate would have two options either of refund of the fee or to re-appear in the specific examination or the paper. In that eventuality, no examination fee would be charged from the candidate like the petitioner who opts for the re-evaluation under the Clause 18.1(a).

Faced with the circumstances, counsel for the petitioner submits that the petition may be disposed of with a direction to the respondent to allow him to reappear in the subsequent examination of the subject VHDL & Digital Design of B.Tech course and the respondent may be directed not to charge any examination fee from him.

In view of the above, the present writ petition is disposed of with a direction to the respondent/University that needful shall be done and petitioner be allowed to reappear in the subsequent examination of the said paper without charging any fee from him.

9th April, 2015

Shivani Kaushik

[Rakesh Kumar Jain]
Judge