IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.24326 of 2019 (O&M)
Date of decision: 03.10.2019

Neha ...Petitioner

Versus

Kurukshetra University, Kurukshetra and others. ... Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Mandeep Singh Kundu, Advocate for the petitioner.

Mr. Ajay Sharma, Advocate for respondent Nos.1 and 2.

Mr. Harshit Jain, Advocate for
Mr. R.S. Cheema, Advocate for respondent No.3.

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B.S. Walia, J.,

CM No.14862-CWP of 2019

Allowed as prayed for. Written statement filed on behalf of respondent Nos.1 and 2 is taken on record.

CWP No.24326 of 2019

1. Prayer in the writ petition is for the issuance of a writ of Mandamus for directing the respondents to accept the revised / correct internal assessment marks of the petitioner for B.Sc. 2nd Year (3rd semester) i.e. 20 out of 24, which were erroneously forwarded by respondent No.3 to respondent Nos.1 and 2 due to typographical error as '00' and to direct respondent Nos.1 and 2 to issue a new detailed marks certificate for B.Sc. 2nd year (3rd semester), 2018, to the petitioner.

2. Brief facts of the case leading to the filing of the instant writ petition are that the petitioner who was a student of B.Sc. 2nd year (3rd

semester) in the year 2018, appeared in the examination of the said course under Roll No.1526720016. Result of the 3rd semester was declared in the month of February, 2019. The same is based on addition of marks obtained in semester exams as also to marks obtained in the internal assessment. Internal assessment marks are awarded by the College and sent to the Kurukshetra University, after addition of which the final DMC is prepared by the Kurukshetra University. Petitioner was awarded following marks for internal assessment by the College in Chemistry (Inorganic Chemistry, Physical Chemistry and Organic Chemistry):-

Roll No.	Name	Inorganic Chemistry	Physical Chemistry	Organic Chemistry	Total Marks
1526720016	Neha	7	7	5.5	20

3. The aforementioned internal assessment result / record was prepared by the authorities of respondent No.3 College by hand showing the petitioner to have secured 20 marks on account of internal assessment. The details of marks obtained by the petitioner as well as other students was counter signed by the students concerned. However, while preparing and sending the record of internal assessment of the petitioner besides other students to the Kurukshetra University, respondent No.3 committed typographical mistake by recording the petitioner to have secured '00' marks instead of '20'. The error came to the knowledge of the petitioner when the final result of B.Sc. 2nd year (3rd semester) was declared, whereupon the petitioner at the earliest opportunity informed the result branch as well as examination branch of Kurukshetra University. Respondent No.3 accepted its error and vide Annexure P/2 dated 15.04.2019, sent a request to the Kurukshetra University to revise the internal assessment marks of the petitioner. In response thereto,

reply Annexure P/3 dated 02.05.2019 was given by respondent No.3, informing that the University could not revise the internal assessment marks of the petitioner after the declaration of the result. Respondent No.3-college again sent a request letter to respondent No.1/Vice Chancellor of Kurukshetra University, Annexure P/4 dated 03.06.2019 apologizing for the typographical mistake and undertaking to ensure that such type of mistake would not take place in the future and requesting for revision of the internal assessment marks of the petitioner. Thereafter, the petitioner served legal notice Annexure P/5 dated 05.07.2019, requesting the authorities to correct the mistake. In response thereto, reply Annexure P/1 dated 30.07.2019 was received, refusing to revise the internal assessment marks of the petitioner in view of resolution No.3(2) of EC vide dated 31.10.2013. Relevant extract of the said decision / resolution is reproduced as under :-

> "The Internal Assessment marks obtained by the students should be displayed separately component wise / point wise and paper wise on the Notice Board of the Department / Institute / College 15 days before the commencement of the examination so that the students remaining absent from appearing in the test(s) may in a special and last chance, appear in the test to obtain pass marks in the internal assessment. This chance may not be a regular feature. However, paper wise consolidated marks obtained by the students in internal assessment, duly countersigned by the Chairperson / Director / Principal of the Department / Institute / College concerned shall be forwarded to the Examinations Branch at least 20 days after the commencement of the relevant examination."

4. In short the stand of the Kurukshetra University is that internal assessment marks received by it earlier i.e. '00' from the College could not be revised to '20' after the declaration of the result, in view of EC decision vide resolution No.3(2) dated 31.10.2013, as referred to above.

5. Learned counsel for the petitioner contended that handwritten internal assessment marks got signed from the petitioner were never sent by respondent No.3 to respondent Nos.1 and 2, instead the handwritten marks which were prepared by respondent No.3 at the time of getting the same signed from the petitioner and other students were tabulated by sending computerized record which contained two zeroes i.e. '00' instead of '20' marks and the same being a typographical error committed by respondent No.3, the petitioner could not be made to suffer for no fault of hers especially since said computerised award of internal assessment marks were never displayed on the college Notice Board.

6. Per contra, learned counsel for respondent Nos.1 and 2 states that no revision in internal assessment marks can be allowed after the declaration of result in view of EC decision vide resolution No.3(2) dated 31.10.2013.

7. I have considered the submissions of learned counsel for the parties.

8. Admittedly, handwritten record Annexure P/1 contains the details of candidates from Sr. No.6 to 34 along with signatures of the candidates and a perusal thereof reveals the petitioner (Sr. No.34) to have secured '20' marks. The details of marks as attached with Annexure P/1 as were got signed by respondent No.3-college from the students, have been attached along with the written statement filed on behalf of respondent No. 3.The stand of respondent No.3 college is that the mistake was due to

typographical error, accordingly request letter along with apology was submitted by the college to the authorities, whereas the stand of the University is that revised internal assessment was received after the declaration of the result, therefore, could not be corrected. Once, the internal assessment marks details of students containing internal marks awarded as also their signatures was recorded by respondent No.3 College and the same reflects the petitioner to have secured '20' marks, then if while sending the computerized tabulation of the said handwritten marks an error was committed by respondent No.3, the petitioner cannot be penalized for the same. Likewise, if before sending the computerized tabulation, if the same was not put up by respondent No.3 on its Notice Board, again the petitioner cannot be penalized for the same. The decision of EC vide resolution No.3(2) dated 31.10.2013, relied upon by respondent Nos.1 and 2 is meant for the internal regulation of the procedure in which internal marks are to be tabulated by the colleges concerned and forwarded to the University. The resolution further mentions that paper wise consolidated marks obtained by the students in internal assessment, duly countersigned by the Chairperson / Director / Principal of the Department / Institute / College concerned shall be forwarded to the Examinations Branch at least 20 days after the commencement of the relevant examination. Once, respondent No.3 has admitted that there was a typographical error in the computerized tabulation, besides it is the stand of the petitioner that internal marks awarded to her as were got signed by respondent No.3 from her reflects her to have secured '20' marks, there is no reason to doubt award of '20' internal assessment marks to the petitioner. The EC vide resolution No.3(2) dated 31.10.2013, does not in any way debar the award of correct marks to a student for internal assessment marks nor can there be any such rule. The stand of the

University to say the least is hyper technical and contrary to what is expected from an institute of learning. It is a fit case for award of costs to the petitioner and against the University for compelling the student to have resorted to uncalled for litigation. However, in view of the fact that respondent Nos.1 / 2 is a University imparting education, I refrain from awarding costs with the hope that in future in case of such type of grievances, such hyper technical approach would not be adopted and steps would be taken to ensure pragmatic resolution of a genuine grievance.

9. In the light of the position as noted above, the writ petition is allowed. The stand of the Kurukshetra University in Annexure P/3 that after declaration of result, revised internal assessment could not be accepted, is set aside and the Kurukshetra University is directed to issue a fresh detailed marks certificate to the petitioner reflecting the correct marks i.e. '20' obtained by her in internal assessment in the subject of Chemistry, B.Sc. 2nd year (3rd semester), 2018, as forwarded by respondent No.3 college, vide Annexure P/1, P/2 and P/4 for B.Sc, II, Sec. – D, Session 2018-19, dated 15.04.2019 and 03.06.2019, respectively. Needful be done by respondent Nos.1 and 2 and new detailed marks certificate for B.Sc. 2nd year (3rd semester), 2018, be issued to the petitioner within four weeks of receipt of certified copy of this order and on the petitioner submitting the detailed marks certificate earlier issued to her.

(B.S. Walia)
Judge

03.10.2019
rajesh.k.khurana

1. Whether speaking/reasoned: Yes/No.
2. Whether reportable : Yes/No.