

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.A. No. 302 of 2015**

***Utkal University and Others***

....

***Appellants***

Mr. Tarananda Pattanayak, Advocate

*-versus-*

***Rajanikanta Priyadarshy***

....

***Respondent***

None

**CORAM:  
THE CHIEF JUSTICE  
JUSTICE CHITTARANJAN DASH**

**ORDER  
22.09.2022**

**Order No.**

02. 1. The challenge in the present appeal is to an order dated 23<sup>rd</sup> December, 2014 passed by the learned Single Judge allowing the writ petition i.e. W.P.(C) No.22918 of 2013 filed by the Respondent seeking the quashing of a notification 24<sup>th</sup> November, 2010 and a subsequent notification dated 20<sup>th</sup> December, 2010 issued by the Appellant-University cancelling his result in the +3 Final Degree of B.A. (Regular) Examination, 2010 declaring him as 'fail'.
2. One of the grounds on which the learned Single Judge has quashed the above notification is that it was issued long after the Respondent had been declared passed and was also granted the provisional degree certificate by the University for his B.A., but without giving him any advance intimation of such cancellation of his pass result.

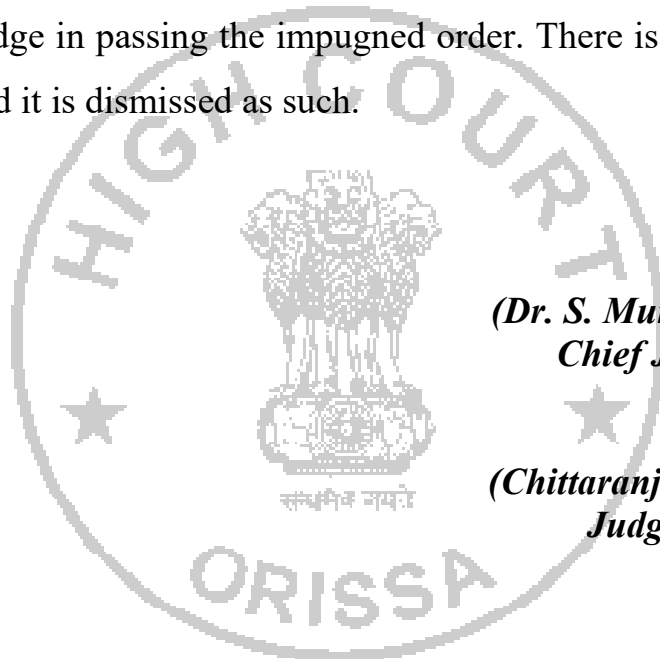
3. It transpired that the Respondent came to know of the impugned notifications when after completing his post-graduate degree of M.A. and he was applying for a job and needed to produce his degree certificates, the Respondent noticed that the mark sheet and certificates of +3 B A Examination did not carry any registration number. The respondent, therefore, approached the Appellant-University to get his mark sheet and certificates corrected in order to submit them for the purpose of his employment. If it was at that stage, the University informed him that there were no such mark sheet and that he had by the impugned notifications dated 24<sup>th</sup> November, 2010 and 20<sup>th</sup> December, 2010 i.e. six months after the publication of the pass result been declared 'fail' in the exam. The Respondent had to then to apply under the RTI Act and only thereafter obtained the impugned notifications on 30<sup>th</sup> August, 2013.

4. It was rightly contended by the Respondent that he was not put on advance notice by the University before the cancellation of his earlier result and declaring him as 'fail'. As already noted he had in the meanwhile, already obtained the degree of M.A. in Public Administration from IGNOU.

5. Learned counsel for the Appellant University sought to contend that the mere publication of the 'fail' result was itself sufficient compliance with the requirement of natural justice. This Court is unable to agree with the above submission. The publication of a fail result was made by the University admittedly six months after

declaring the Respondent as 'pass'. If any material had come to the notice of the University requiring it to change the result of the Respondent then the Respondent ought to have been put to notice, provided such material and given a chance to explain before declaring him as 'fail'. This is a text book case of violation of the principles of natural justice and has, therefore, rightly invited interference by the learned Single Judge.

6. The Court finds no error having been committed by the learned Single Judge in passing the impugned order. There is no merit in the appeal and it is dismissed as such.



***(Dr. S. Muralidhar)***  
***Chief Justice***

***(Chittaranjan Dash)***  
***Judge***

*S.K. Jena/Secy.*