

The Registrar (Evaluation) vs S.V. Renu

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Court : Karnataka

Decided On : Jan-15-2025

Judge : Chief Justice,M.I.Arun

Appeal No. : WA/45/2025

Appellant : The Registrar (Evaluation)

Respondent : S.V. Renu

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JANUARY, 2025 PRESENT THE HON'BLE MR N. V. ANJARIA, CHIEF JUSTICE AND THE HON'BLE MR JUSTICE M.I.ARUN WRIT APPEAL NO. 45 OF 2025 (EDN-RES) AND WRIT PETITION NO.269 OF 2025 (EDN-RES)

IN WRIT APPEAL NO.45 OF 2025: BETWEEN: THE REGISTRAR (EVALUATION) BANGALORE UNIVERSITY MYSORE ROAD, JNANA BHARATHI BENGALURU - 560 056 Digitally signed by H K HEMA Location: HIGH COURT APPELLANT OF KARNATAKA (BY SRI. SIDDHARTH PADMARAJ DESAI, ADVOCATE) AND: S.V. RENU C/O S.V. RAMANA AGED ABOUT 20

YEARS R/AT: #2612, 6TH CROSS, 108 GANESHA TEMPLE KUMARASWAMY LAYOUT, -2- J P NAGAR, BENGALURU SOUTH, BENGALURU - 560 078

2. NIDHISHREE J KARANTH

D/O K R JAYARAM KARANTH AGED ABOUT 20 YEARS R/AT No.37, 1ST MAIN, 4TH CROSS, ANNAPOORNESHWARI LAYOUT, J P NAGAR, 7TH PHASE, BENGALURU SOUTH, BENGALURU - 560 062

3. VIKAS J

S/O Y V JAGANNATH AGED ABOUT 20 YEARS R/AT: #123, 5TH CROSS BALAJI LAYOUT, NEAR MANJUNATHA KALYAN MANTAPA, VAJRAHALLI KANAKAPURA MAIN ROAD, BENGALURU SOUTH BENGALURU - 560 062

4. RITHIKA T SHINGRI D/O TULASIDAS C S AGED ABOUT 19 YEARS, R/AT: #3818, 13TH CROSS, NEAR 15F BUS STOP 2ND STAGE, KUMARASWAMY LAYOUT, BENGALURU SOUTH BENGALURU - 560 078

5. BALU A S S/O SUNDARARAJA A AGED ABOUT 18 YEARS, R/AT: KADENAHALLI -3- BYRAKUR KOLAR - 563 131

6. BANGALORE UNIVERSITY MYSORE ROAD, JNANA BHARATHI, BENGALURU - 560 056 REPRESENTED BY ITS VICE-CHANCELLOR

7. STATE OF KARNATAKA REPRESENTED BY ITS PRINCIPAL SECRETARY DEPARTMENT OF HIGHER EDUCATION, 6TH FLOOR, M S BUILDING, DR AMBEDKAR VEEDHI, BENGALURU - 560 001 RESPONDENTS (BY SRI. SUBRAMANYA R, ADVOCATE FOR R1 TO R5; SRI. K.S.HARISH, GOVERNMENT ADVOCATE FOR R7) THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE

KARNATAKA HIGH COURT ACT, 1961 R/W RULE 27 OF THE WRIT PROCEEDINGS RULES, 1977 PRAYING TO SET ASIDE THE INTERIM ORDER DATED 10.01.2025 (IMPUGNED ORDER) PASSED IN WRIT PETITION NO.269 OF 2025, ETC. IN WRIT PETITION NO.269 OF 2025: BETWEEN:

1. S.V. RENU AGED ABOUT 20 YEARS -4- C/O S.V.RAMANA RESIDING AT: #2612, 6TH CROSS, 108 GANESHA TEMPLE KUMARASWAMY LAYOUT, J P NAGAR, BENGALURU SOUTH, BENGALURU - 560 078

2. NIDHISHREE J KARANTH

AGED ABOUT 20 YEARS D/O K R JAYARAM KARANTH RESIDING AT NO.37, 1ST MAIN, 4TH CROSS, ANNAPOORNESHWARI LAYOUT, J P NAGAR, 7TH PHASE, BENGALURU SOUTH, BENGALURU - 560 062

3. VIKAS J

AGED ABOUT 20 YEARS S/O Y V JAGANNATH #123, 5TH CROSS, BALAJI LAYOUT, NEAR MANJUNATHA KALYAN MANTAPA, VAJRAHALLI KANAKAPURA MAIN ROAD, BENGALURU SOUTH BENGALURU - 560 062

4. RITHIKA T SHINGRI AGED ABOUT 19 YEARS D/O TULASIDAS C S, RESIDING AT #3818, 13TH CROSS, NEAR 15F BUS STOP 2ND STAGE, KUMARASWAMY LAYOUT, BENGALURU SOUTH BENGALURU - 560 078 -5-

5. BALU A S AGED ABOUT 18 YEARS, S/O SUNDARARAJA A RESIDING AT KADENAHALLI BYRAKUR KOLAR - 563 131 ...PETITIONERS (BY SRI. SUBRAMANYA R, ADVOCATE) AND:

1. BANGALORE UNIVERSITY REPRESENTED BY ITS VICE-CHANCELLOR MYSORE ROAD, JNANA BHARATHI, BENGALURU - 560 056

2. THE REGISTRAR (EVALUATION) BANGALORE UNIVERSITY MYSORE ROAD, JNANA BHARATHI, BENGALURU - 560 056

3. THE STATE OF KARNATAKA REPRESENTED BY ITS PRINCIPAL SECRETARY DEPARTMENT OF HIGHER EDUCATION, 6TH FLOOR, M S BUILDING, DR AMBEDKAR VEEDHI, BENGALURU - 560 001 ...RESPONDENTS -6-

(BY SRI. SIDDHARTH PADMARAJ DESAI, ADVOCATE FOR R2; SRI. K.S.HARISH, GOVERNMENT ADVOCATE FOR R3) THIS PETITION IS FILED

UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT NO.1 UNIVERSITY TO RE-SCHEDULE THE B.COM DEC/JAN/1R35NEP/2025 EXAMINATIONS HAVING SUBJECT CODES BCOM-CLA-DSC33 (COMPANY LAW AND ADMINISTRATION); CCOM13 (MODERN MARKETING); BCOM5- DSE-F1 (FINANCIAL INSTITUTIONS AND MARKETS); BCOM5- DSE-A1 (INDIAN ACCOUNTING STANDARDS-I); AECC-IICC-3S (INDIA AND INDIAN CONSTITUTION) NOTIFIED UNDER THE NOTIFICATION NO.Ex.VI/UG/SEP & NEP - TIME TABLE/2024-25 DATED 13.12.2024 (ANNEXURE-B), ETC THE WRIT APPEAL AND WRIT PETITION COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER: CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA and HON'BLE MR JUSTICE M.I.ARUN -7-

ORAL JUDGMENT

(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Heard learned advocates for the respective parties.

2. The original petitioners-respondent Nos.1 to 5 herein were

the students who filed Writ Petition No.269 of 2025 raising a grievance that the B.Com examination being conducted by respondent No.1- University overlapped with the examination to be

held and conducted by the Institute of Chartered Accountants of

India and that the dates of both the examinations have been clashing.

3. Learned Single Judge, by an order dated 10.01.2025,

granted interim order postponing and deferring the holding of the B.Com examination which had already commenced. 3.1. Against the aforesaid order, the present writ appeal was filed by the University in which, this Court passed the following interim

order on 12.01.2025,

"We notice that the writ petition was filed by five students seeking the postponement of B.Com. Examination conducted by the Bangalore University. The reasons stated for seeking a postponement of the examinations on the schedule fixed by the -8-

Bangalore University was that the CA Foundation and Intermediate examinations were also being conducted on the same dates. It is contended that the Institute, where the petitioners were enrolled, as well as the petitioners themselves had approached the University with Annexure - H and Annexure-G representations respectively dated 16.12.2024 and 18.12.2024, but that no action had been taken on the representation and no reply was furnished by the University. It is submitted that in view of the fact that several students are taking both the B.com., examinations as well as the CA Foundation and Intermediate Examination at the same time, such students were put to great prejudice if the examinations are conducted on the same dates.

Considering these contentions, the learned Single Judge had directed re-scheduling of B.Com., Examination of the 1st, 3rd and 5th semester, scheduled on 11.01.2025, 13.01.2025, 15.01.2025, 17.01.2025, 19.01.2025 and 21.01.2025 in view of the schedule of the CA Foundation and Intermediate Examination as indicated in the order. Learned counsel appearing for the appellant would submit that the schedule of the Examination were intimated well in advance and that the

Examinations themselves were notified on 13.12.2024. It is submitted that about 35000 students are taking B.Com., Examination conducted by the Bangalore University and several more are appearing for some of the papers which are common to other disciplines as well. It is contended that the examinations are ongoing from the 6th of January 2025 onwards and the Writ Petition was filed only on 09.01.2025. It is further submitted that the rescheduling of the examinations at the instance of only 5 students is detrimental to the interests of thousands of students, who are unrepresented and is completely unwarranted.

-9- It is further contended that the Apex Court in

several decisions has specifically held that it is not for the Constitutional Courts to consider the question as to the conduct of examinations and that would come within the realm of policy and it is for the University to consider when the examinations are to be conducted and whether they are to be scheduled taking note of other examinations being taken by the students also.

It is contended by the learned counsel for the

appellant that in respect of petitioners No.4 and 5, there is absolutely no overlapping at all, since the examinations conducted by the Institute of Chartered Accountants of India (ICAI) are being conducted from 2.00 p.m. to 5.00 p.m., and that the examinations of the University are scheduled from 9:30 a.m. to 12.00 noon.

It is further submitted that as far as 1st

petitioner is concerned, there is overlapping of the dates of the examinations only on 17th, 19th and 21st of January, 2025, but the timings are different. However, she did not appear for the examinations conducted on 10th of January, 2025, even though there was absolutely no overlapping. It is submitted that therefore, she will have to repeat the examinations along with the next semester examinations and that there is no other prejudice being caused to even those of the petitioners whose dates as well as time of the examinations are overlapping.

Learned Government Advocate appearing for the respondent - State would submit that the Government is only a formal party to the proceedings and it is for the University to take appropriate decision as to the date of conduct of the Examinations. Having considered the contentions advanced, we are of the opinion that it would have been proper for the University to consider the representations, if any, received by respondents No.1 to 5 them and - 10 -

issue an endorsement to them. However, the fact that they did not, cannot in our view, stand in the way of the settled legal position that it is not for the Constitutional Courts to consider the request with regard to schedule of the examinations which is a matter which falls completely

within the discretion of the University. We are of the opinion that the direction to reschedule the examinations, that too, at the instance of five students, was not a proper exercise. We are therefore, inclined to issue an order of stay of the interim order passed by the learned Single Judge dated 10.01.2025. The examinations scheduled to be conducted by the appellant on 13.01.2025 and thereafter shall proceed as scheduled."

3.2. It was further directed that the appellant-University shall take appropriate steps to see that the examinations are conducted as per the schedule and that, wide publicity in print and electronic media is given to avoid any confusion amongst the students.

4. Learned advocate Mr. Siddharth Padmaraj Desai for the appellant stated that pursuant to the aforesaid order dated 12.01.2025, all the examinations of B.Com degree are being conducted by the University.

5. The interim order granted in this appeal has worked out for

itself. As the examinations are conducted, nothing would survive in this appeal. The appeal stands disposed of in terms of the interim order, making it final. - 11 -

6. The principal prayer in the main writ petition was to direct

respondent No.1-University to reschedule B.Com examinations for the subjects concerned which were still to be conducted as notified under the Notification dated 13.12.2024. The alternative prayer made was to direct the University to make provision to enable the petitioners to take up their B.Com examinations. It was yet another prayer to direct respondent No.2-the Registrar (Evaluation) to decide the representation dated 18.12.2024 of the petitioners in which the very grievance was raised.

7. Noticing the pleadings and the prayers of the petition, they pertain to conduct of the examinations for the academic year 2024-

25. Even in the representation (Annexure-G, page 83), the rescheduling of the current year examination was requested.

8. In the aforesaid view, nothing survives in the writ petition also. The writ petition is accordingly disposed of as not surviving.

9. Accordingly, both the writ appeal and the writ petition are disposed of. - 12 -

10. Registry is directed to notify the formal listing of the Writ Petition No.269 of 2025 today on Board before this Court in view of disposal of the said petition as provided in this order.

11. At this stage, learned advocate for the appellant submits that

the University should consider the grievance of the students that the University examination and the other examinations often clash to deprive them for competing in the professional examination and therefore such situation should be avoided. It is hoped that the University shall consider the aspect in proper light in the interest of students. SD/- (N. V. ANJARIA) CHIEF JUSTICE SD/- (M.I.ARUN) JUDGE
VMB List No.: 1 SI No.: 1

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