

Viswanathan M.K. Vs. Controller of Examinations, University of Calicut and anr.

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SooperKanoon Citation : sooperkanoon.com/730026

Court : Kerala

Decided On : Mar-26-1999

Reported in : AIR1999Ker318

Judge : Ar. Lakshmanan and; C. Sasidharan, JJ.

Acts : [Constitution of India](#) - Article 226; Calicut University First Ordinance, 1978

Appeal No. : W.A. No. 745 of 1999

Appellant : Viswanathan M.K.

Respondent : Controller of Examinations, University of Calicut and anr.

Advocate for Def. : P.C. Sasidharan, S.C.

Advocate for Pet/Ap. : Grashious Kuriakose, Adv.

Disposition : Appeal dismissed

Judgement :

Ar. Lakshmanan, J.

1. Heard Mr. Grashious Kuriakose for appellant and Mr. P.C. Sasidharan for the respondents.

2. The appellant filed the Original Petition for a mandamus directing the respondents to complete the revaluation of the answer papers for the M.A. (English) previous and final examinations conducted by the School of Distance Education during April-May, 1998 and to publish the results and for other reliefs. Original Petition was dismissed by the learned single Judge on the ground that the first Ordinance of the University provides that there is no revaluation of the answer paper because of the double valuation provided for the Post Graduate degree. Being aggrieved the above Writ Appeal has been filed by the petitioner. It is argued by the learned counsel for the appellant that the second respondent has made provisions and prescribed procedure for the revaluation of the answer papers for the examination conducted by the School of Distance Education and that the appellant had duly applied for revaluation and had complied with the necessary requirements and therefore in the circumstances the respondents are duty bound to complete the revaluation without delay. It is further contended that the learned single Judge ought to have found that in view of Ext. P4, the respondents are estopped from contending that there is no provision for revaluation of the appellant's answer papers.

3. We admitted the Writ Appeal on 19-3-99 and directed the second respondent in the appeal to file a statement. Pursuant to our direction a statement also has been filed on 24-3-99. We have heard counsel for the respective parties and also perused the entire pleadings.

4. Learned Judge dismissed the Original Petition relying on Chapter V, Clause 23 of the Calicut University First Ordinance, 1978 which reads as follows :--

'23; Revaluation of answer papers at University Examinations :-- (1) Candidate or all Examinations including Diploma Examinations but excluding Post-graduate examinations for which there is provision for double valuation are eligible to apply for revaluation.'

It is submitted that double valuation are provided for postgraduate examination. The Memorandum of instructions issued by the University provides for double valuation of M.A./M.Sc./M Com. Relevant Clause 25(a) of the memorandum is quoted below for ready reference :--

'25(a) Double valuation of M.A./M.Sc./M. Com papers : Boards of Examiners appointed to examine in any branch of the M.A./M.Sc./M. Com (Previous and Final) Degree Examination shall arrange for the valuation of the answer books of the candidates in that Examination by the Examiners separately.

(b) The individual marks awarded by each Examiner shall not be entered on the cover or any part of the answer books. Double valuation mark sheets will be supplied for preliminary entry of marks. The final marks will be entered on tabulation sheets after reconciliation.

(c) If the difference of the total marks awarded by the two Examiners is within 15% the candidate shall be credited with the average of the two marks. If the variation between the marks awarded by the two examiners is more than 15%, the paper shall be valued by a third examiner whose mark will be accepted as final.'

It is submitted that double valuation is provided, for M.A./M.Sc./M.Com. In the instant case the appellant has appeared for M.A. (English) course and no revaluation is provided in terms of the Ordinance. In the instant case the appellant relied on the instructions which are general in nature. We are therefore of the opinion that the appellant/petitioner is not entitled to the relief sought for in the Writ Appeal. Writ Appeal therefore fails and is dismissed. C.M.P. No. 1864/99 stands dismissed. No costs.