

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04th DAY OF DECEMBER, 2024

PRESENT

THE HON'BLE MR. N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT APPEAL No.257 OF 2024 (EDN-RES)

BETWEEN:

SRI A. J. JAMES,
S/O A.C.JOSEPH,
AGED ABOUT 64 YEARS,
R/AT No.576, 4TH CROSS,
HMT LAYOUT, R.T.NAGAR,
BANGALORE-560032.
AS STUDENT APPELLANT

...APPELLANT

(BY SRI A.J. JAMES, APPELLANT - PARTY-IN-PERSON)

AND:

- 1 . KARNATAKA STATE LAW UNIVERSITY,
REPRESENTED BY THE VICE CHANCELLOR,
NAVANAGAR,
HUBBALLI-580 025.
- 2 . THE REGISTRAR (EVALUATION),
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR,
HUBBALLI-580 025.
- 3 . THE REGISTRAR (ADMINISTRATION),
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR,
HUBBALLI-580 025.

...RESPONDENTS

(BY SRI R. GIRISH KUMAR, ADVOCATE FOR R1 TO R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO IMPUGNED JUDGMENT IN WP No. 21215/021 DATED 20.09.2023 BE SET ASIDE AND THE PRAYERS INCLUDING INTERIM PRAYERS IN THE WRIT PETITION BE ALLOWED TAKING INTO CONSIDERATION THE WRITTEN ARGUMENTS AND THE COUNTER REPLY FILED IN THE WRIT PETITION ALONG WITH EXEMPLARY COSTS (LOSS OF INCOME SINCE JULY 2019) AND ANY OTHER SUO MOTO ACTIONS DEEMED FIT TO EXAMINE THE ADHERENCE TO THE STATUTORY PROVISIONS INCLUDING ELICITING RECORDS OF COMPETENCE AND INADEQUACY OF PRESCRIBED EXPERIENCE IN THE SUBJECTS VALUED BY THE SAID VALUATORS.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED UNDER:

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE
N. V. ANJARIA
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. JUDGMENT

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard the appellant - party-in-person Mr. A.J. James and learned advocate Mr. R. Girish Kumar for respondent Nos.1 to 3.

2. This intra-court appeal under Section 4 of the Karnataka High Court Act, 1961 by the appellant - original petitioner against the order in Writ Petition No.21215 of 2021, dated 20.09.2023.

3. The brief facts leading to this appeal are that, the appellant joined three years LL.B course at Rajiv Gandhi College of Law, Bengaluru, affiliated to the Karnataka State Law University, Hubballi. The appellant was admitted to academic year 2016 to

2019. The three years LL.B course involves six semester exams in which the appellant participated and results were announced.

4. It is further case of the appellant that he failed in certain subjects and applied for revaluation of the answer scripts. It is stated that the appellant applied for challenge valuation of few subjects. As submitted, upon revaluation/challenge valuation, marks in certain subjects improved upward and downward as well. In that view of variation, the appellant's case is that the valuation standards adopted by the University are not up to the mark. It is pleaded that the appellant is confident of securing the requisite marks to possess a Law Degree. Hence, he has not taken up any further examination. The writ petition was preferred with a prayer for fresh evaluation of the answer scripts and declare the results.

5. The prayer in the writ petition was opposed by the University *inter alia* contending that the benefit of revaluation/challenge valuation is provided and the benefit as assessed is extended to the appellant. It is further stand of the University that the University regulations do not provide for further revaluation or any other valuation of answer scripts. It is further contended that three years course is to be completed within six years and further extended period of two consecutive attempts.

6. Learned Single Judge dismissed the writ petition holding that the direction to revaluation beyond the regulations cannot be directed. It is further held that the regulations have been framed by the experts in the field in the interest of students and the colleges/universities, which the Court cannot step in to substitute the view.

7. The appellant - party-in-person submits that the faculties entrusted with the task of evaluation of answer scripts are not qualified and the medium of education of the evaluators also matters for fair, qualitative and quantitative evaluation of answer scripts.

8. The appellant further submits that the variation exceeding 15% to 20% while revaluation/challenge valuation would evident that the scheme of evaluation needs re-consideration. It is his other contention that the regulations governing the valuation of answer scripts are not followed while selecting the evaluators to evaluate the answer scripts.

9. Learned advocate Mr. R. Girish Kumar appearing for the respondent-University submits that the learned Single Judge has reached to a conclusion based on the rules and regulations of the University governing evaluation. The appellant was entitled to

seek revaluation/challenge valuation, which was availed and the benefit arising out of such exercise is extended/provided to the benefit of the appellant. The prayer to evaluate afresh is not provided in the Ordinance or Rules or Regulations of the University. It is submitted that the learned Single Judge has rightly dismissed the writ petition.

10. Having considered the submissions made on both sides and perused the appeal papers, the appellant's submission is to direct the University to evaluate the answer scripts of the appellant afresh.

11. It is important to note that the University operates under its established ordinances, rules, and regulations, which govern the entire process of conducting examinations, evaluating answer scripts, and announcing results. These regulations also provide students with the option to request revaluation or challenge valuation of their answer scripts, subject to certain conditions and payment of the required fees.

12. In this case, the appellant availed himself of the option to request revaluation for certain subjects and challenge valuation for others. The University then conducted the revaluation and challenge valuation in accordance with the procedure outlined in its

regulations, guidelines, and orders. This process followed the prescribed mandates set forth by the University, ensuring that the appellant's requests were handled in accordance with the existing rules.

13. The appellant's contention that out of the total 16 subjects for which revaluation or challenge valuation was applied, in six subjects he secured more marks than originally obtained, and as a result, he contends that the entire valuation system or the standards followed by the University should be reconsidered. While this argument may appear compelling at first glance, the Court finds accepting or agreeing with this contention untenable.

14. The revaluation and challenge valuation process, as conducted by the University, has already provided a fair opportunity for the appellant to have his marks reassessed. Since the University's regulations and procedures for revaluation were followed in this case, and considering the changes in the appellant's marks were within the scope of the University's established process, the Court does not find sufficient grounds to question or revise the entire valuation system based solely on the results of the appellant's individual revaluation requests.

15. Learned Single Judge has referred to the judgments of the Hon'ble Apex Court. In **Dr. NTR University of Health Sciences vs. Dr. Yerra Trinadh and others, (2022 SCC OnLine SC 1520)**, it has been held that while exercising judicial review with regard to re-evaluation of the answer sheets, the Court should not re-evaluate or scrutinize the answer sheets of a candidate as it has no expertise in the matter and the academic matters are best left to the academic.

16. In **Moazam Shah Khan and others vs. Vice Chancellor, Rajiv Gandhi University of Health Sciences and Others, (ILR 2022 Kar. 1146)**, it has been held that the University is entitled to determine how the answer scripts for any given examination should be evaluated and by how many examiners. It is further held that the University may also provide for revaluation and recognize that the evaluation by an examiner may in certain situations be subjective or erratic. It is not for the Courts to enact laws or make regulations, it should be left to the expert bodies, in which they hold expertise.

17. In **Maharashtra State Board or Secondary and Higher Secondary Education and another vs. Paritosh Bhupeshkumar Sheth and others, [(1984) 4 SCC 27]**, it has been held that the

legislation and its delegate are the sole repositories of the power to decide what policy should be pursued in relation to matters covered by the Act and there is no scope for interference by the Court unless the particular provision impugned before it can be said to suffer from any legal infirmities.

18. In light of the principles enunciated by the Hon'ble Supreme Court, the learned Single Judge has observed that, in the absence of any provision under the University's regulations to provide for revaluation beyond the process already undertaken, the University cannot be directed to conduct revaluation at the instance of the appellant. It was further held that the appellant's contention for a fresh evaluation of the answer scripts does not find merit, as the existing provisions governing revaluation and challenge valuation had already been duly followed.

19. Furthermore, learned Single Judge also held that the appointment of examiners, including their qualifications and expertise, is a matter that lies within the discretion of the University. Such decisions are within the scope of the academic and administrative autonomy of the University, and it is not for the Court to intervene in matters relating to the selection and qualifications of

examiners, as long as these decisions are in compliance with the relevant rules and regulations.

20. In the absence of specific provisions in the University's rules and regulations that would permit the revaluation of the appellant's answer scripts beyond the established revaluation and challenge valuation process, learned Single Judge's rejection of the appellant's prayer for revaluation cannot be held incorrect. The conclusion drawn by learned Single Judge is well-supported by the principles enunciated by the Hon'ble Supreme Court and is founded on sound reasoning.

21. Learned Single Judge's decision is in accordance with the legal framework that grants academic institutions the autonomy to regulate their examination and evaluation processes. In this case, the University adhered to its prescribed revaluation and challenge valuation procedures. Therefore, judicial intervention is not warranted, as the appellant's request for further revaluation is not supported by the University's regulations or by any exceptional circumstances that would justify such intervention.

22. The Court finds no legal infirmity in the order passed by learned Single Judge; thus, there is no justification for interference. Accordingly, the appeal is dismissed.

In view of disposal of main appeal, pending interlocutory application, if any, stand disposed of as not surviving.

Sd/-
(N. V. ANJARIA)
CHIEF JUSTICE

Sd/-
(K. V. ARAVIND)
JUDGE

MV