

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 6<sup>TH</sup> DAY OF NOVEMBER 2012

BEFORE

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH

WRIT PETITION No.42773/2012 (EDN-RES)

BETWEEN:

Charan Raj C.  
S/o D.Chayapathi  
Aged about 26 years,  
R/a No.125/1, Sree Nidhi Nilaya  
6<sup>th</sup> Cross, Janatha Colony  
Opp: Jayappa Flour Mill,  
Hulimavu, B.G.Road,  
Bangalore-560076. .. Petitioner

( By Sri P.N.Rajeshwar and Sri Narayana Rao,  
Advocates )

AND:

1. The Director of Technical Education,  
Palace Road,  
Bangalore-560001.
2. The Board of Technical Education,  
Palace Road,  
Bangalore-560001,  
Represented by its  
Secretary.
3. The State of Karnataka  
Represented by its

Principal Secretary  
Department of Technical Education,  
M.S.Building,  
Bangalore-56001.

4. S.J.Government Polytechnic  
K.R.Circle,  
Bangalore-560001,  
Represented by its Principal. .. Respondents

( By Sri R. Om Kumar, AGA )

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to direct the respondents to declare the petitioner as pass in the subject Computer integrated manufacturing by evaluating the answer scripts of the petitioner by a competent person for challenged revaluation of his answer scripts.

This Writ Petition coming on for preliminary hearing this day, the Court made the following :

### **ORDER**

Petitioner has sought for a direction to the respondents to declare the petitioner as pass in the subject Computer Integrated Manufacturing by evaluating the answer script of the petitioner by a competent person by challenge revaluation and for such other relief.

2. The petitioner appeared for the examination during April-May 2012. The result was announced on 10<sup>th</sup> June 2012. In one of the paper, the marks secured was announced as only 15 out of 100 marks. Petitioner applied for revaluation and also obtained a photocopy of the answer script. After revaluation, the result is announced as 'no change in the marks' obtained by the petitioner. According to the petitioner, he got it revalued by three professors. According to them, petitioner has scored 42 marks and 55 marks. Hence, petitioner submits that, without reevaluating the paper, the respondents have simply declared that there is no change in the marks obtained by the petitioner, which has affected the career of the petitioner. He further submits that there is arbitrariness on the part of the respondents-authorities in announcing the revaluation result as 'no change' without getting it reevaluated by a proper person.

3. The learned Government Advocate submits that, in the absence of any such provision for challenge revaluation or any other type of valuation by the experts, the petition is not maintainable. In this regard, he relied upon the decision of the Apex Court in the case of *Himachal Pradesh Public Service Commission –v- Mukesh Thakur and another* (2010) 6 SCC 759).

4. It is the contention of the petitioner that, he has secured first class marks in all the subject, except in one subject. The revaluation result of that subject was declared as no change by the respondents-authorities. Thus, according to the petitioner, the action of the respondent-authorities is illegal and arbitrary.

4. It appears that, there is no scope for any other type of revaluation by the experts or there is any provision in the Regulations in that regard. But, the

fact remains that the result of the revaluation has been announced as no change. The petitioner got the answer script revalued by three of the Professors and they have given 42 marks and 55 marks. Thus, it points out that petitioner could have got at least minimum of 40 marks. The respondents-authorities have proceeded to announce the result of the revaluation as no change in a mechanical manner.

In the circumstances, respondents-authorities are directed to get the paper revalued and announce the result of the paper to which the petitioner has applied for revaluation.

The Writ Petition is allowed accordingly.

Sd/-  
JUDGE

\*bk/-