

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2021

BEFORE

THE HON' BLE MR.JUSTICE R DEVDAS

W.P. No. 15571/2021 (EDN-RES) C/W
W.P.No.16410/2021 (EDN-RES)

In W.P.No.15571/2021

BETWEEN

1. E. KARTHIK PATEL,
S/O ESWARAIHAH,
AGED ABOUT 21 YEARS,
RESIDING AT NO.14/15,
DASARAHALLI EXTENSION,
HEBBAL, KEMPAPURA,
NEAR JASMINE APPARELS,
BANGALORE - 560 024.
2. SATHIAN P.,
S/O GOVINDAN NAIR P.K.,
RESIDING AT ARIKAT HOUSE,
CHUNGAL, MATTATHUR, THRISSUR,
KERALA - 680 684.
3. BYRA REDDY R.,
S/O RAMALINGAPPA,
RESIDING AT BASHETTIHALLI,
VANTURU,
CHIKKABALLAPUR - 562 105.

...PETITIONERS

(BY SRI. ABHISHEK JANARDHAN AND
SRI. PRATEEK CHANDRAMOULI, ADVOCATES)

AND

1. KARNATAKA STATE LAW UNIVERSITY,



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SUTAGATTI ROAD, NAVANAGAR,
HUBLI, KARNATAKA - 560 025.

2. STATE OF KARNATAKA,
REPRESENTED BY THE
SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF HIGHER EDUCATION,
M.S.BUILDING,
DR.AMBEDKAR VEEDHI,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. ASHOK S.HARANAHALLI, SENIOR ADVOCATE
FOR SRI. GANAPATHI N BHAT, ADVOCATE FOR R1;
SMT.PRAMODHINI KISHAN, AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE
226 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE IMPUGNED PROCEEDINGS OF THE
SYNDICATES SUB - COMMITTEE MEETING HELD ON
31.03.2021 ISSUED BY R1 HEREWITH MARKED AND
PRODUCED AS ANNEXURE - D AS BEING ILLEGAL AND
VOID TO THE EXTENT THAT IT DEVIATES FROM THE
ORDERS PASSED BY THIS HONBLE HIGH COURT IN
W.P.NO.14389/2020 AND W.P.NO.2922/2021 AND ETC.,

In W.P.No.16410/2021

BETWEEN

MR.SUDARSHANA REDDY LINGALA,
AGED ABOUT 56 YEARS,
REG.NO.43519111049,
STUDENT OF TEACHERS LAW COLLEGE,
LAKESIDE RESIDENCY,
MEDAHALLI, OLD MADRAS ROAD,
VIRGONAGAR (P),
BANGALORE - 560 049.

...PETITIONER

(BY SRI.NAIK N.R., ADVOCATE)



AND:

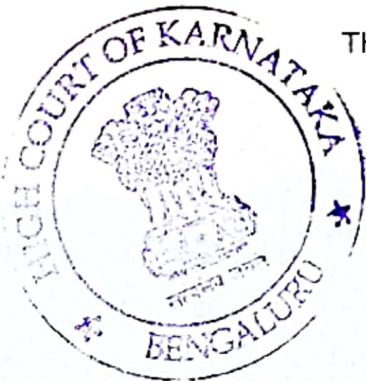
1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
LAW DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE - 560 001.
2. THE REGISTRAR (EVALUATION),
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR,
HUBBALLI - 580 025.
3. THE SECRETARY,
THE BAR COUNCIL OF INDIA,
21, ROUSE AVENUE INSTITUTIONAL
AREA, NEAR BAL BHAWAN,
NEW DELHI - 110 002.

...RESPONDENTS

(BY SMT.PRAMODHINI KISHAN, AGA FOR R1;
SRI. ASHOK S.HARANAHALLI, SENIOR ADVOCATE
FOR SRI.GANAPATHI N BHAT, ADVOCATE FOR R2;
SRI.SHRIDHAR PRABHU, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 READ WITH UNDER ARTICLE 14 OF THE CONSTITUTION OF INDIA PRAYING TO STUCK DOWN THE NOTE ISSUED ON THE MARKS STATEMENT I.E. AS PER CLAUSE 7 OF PROMOTION GUIDELINES, THE STUDENTS WHO HAVE SECURE LESS THAN 40 PERCENT AGGREGATE MARKS IN PREVIOUS SEMESTER ARE CONSIDERED AS FAILED, HENCE ONLY I.A. MARKS SECURED IN EVEN SEMESTER ARE DISPLAYED INTRODUCED BY THE R-3 AND ETC.,

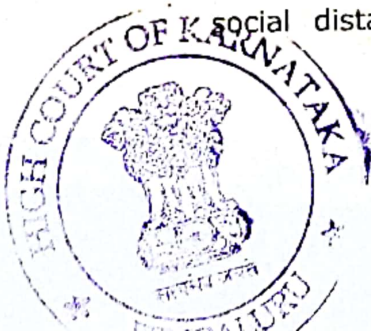
THESE WRIT PETITIONS COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:



ORDER

R. DEVDAS J., (ORAL):

The petitioners are students of Law studying in the 2nd and 3rd year of the B.A., LL.B., Course of 5 years and 3 years, in different institutions, all affiliated to the respondent-Karnataka State Law University. Their grievance is that although this Court had issued certain directions to the respondent-Law University in W.P.No.14389/2020 and connected matters in the case of **RITVIK BALANAGRAJ.B VS. BAR COUNCIL OF INDIA AND OTHERS**, by order dated 08.02.2021, owing to the COVID-19 pandemic and the resultant non-conducting of classes to the students, considering the decision of the Hon'ble Apex Court in the case of **PRANEETH .K AND OTHERS VS. UNIVERSITY GRANTS COMMISSION AND OTHERS, 2020 SCC ONLINE SC 688** that there is a rational basis for the decision of the University Grants Commission in advising Universities that in case the situation does not appear to be normal in view of COVID-19, in order to maintain social distancing, safety and health of the students,



grading of the students shall be done on the basis of 50% of the internal assessments and taking 50% of the marks awarded in the previous semester examinations. It was directed that grades can be awarded to the students of 1st year to 4th year (in the case of 5 year Law students) in respect of the even semester. As a consequence this Court directed that insofar as the even semester examinations are concerned, the same shall be assessed on the basis of the internal assessments of the students to an extent of 50% and the remaining 50% of the marks on the basis of performance in the previous semester only (if available). Marks cards were directed to be issued in the above terms, in respect to the even semesters.

2. It appears that the Syndicate of the respondent-KSLU, in its meeting held on 31.03.2021 deliberated upon adopting 50-50 formula for valuation of even semester examination of June 2020 and issued certain guidelines on 31.03.2021 at Annexure-D. The grievance of the petitioners is directed towards



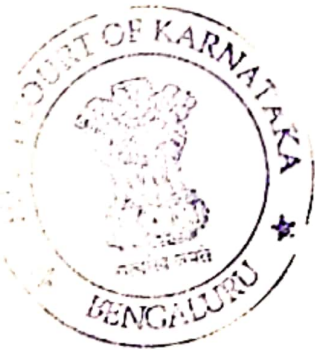
Clause No.7 of the guidelines wherein the Syndicate presided and directed that 'as per KSLU Regulations, candidate who has secured a minimum of 40% marks is considered as pass in the examination. As such, a candidate who secures less than 40% of marks based on aggregate percentage of total performance including theory and internal assessment of marks of the previous semester's performance shall be considered as fail'. At Clause No.8 it was directed that 'in the even semesters, where for certain subjects internal assessment is for 100 marks 50% of the marks on the basis of performance in the previous semester need not be considered. The marks secured by the candidates for the current even semesters shall be considered as actual marks.

3. Learned counsel for the petitioners submits that by following the directives in terms of Clause No.7, the petitioners' previous semester examination marks have not been considered since according to Clause No.7 the petitioners have secured less than 40% marks in the previous semester examination and therefore, the petitioners were not assessed for the June 2020 semester



examination. The learned counsel would therefore submit that Clause No.7 is in contravention of the directions issued by this Court. There is no ambiguity in the directions issued by this Court and therefore, the decision taken by the Syndicate of the respondent-University and the guidelines, especially Clause No.7 being in contravention of the directions issued by this Court, the same is to be stuck down and a direction is required to be issued to the respondent-University to assess the petitioners by taking into consideration 50% of the marks awarded in the previous semester examination.

4. *Per contra*, learned Senior Counsel Sri.Ashok S. Haranahalli appearing for respondent-University would submit that before the Syndicate issued the guidelines on 31.03.2021, a Sub-Committee was constituted comprising of Law Professors and Lecturers to go into the issue and give its opinion regarding adoption of the 50-50 formula which was directed by this Court. The learned Senior Counsel would submit that the guidelines issued on 31.03.2021 was on the opinion given by the Sub-



Committee that was constituted by the University. Moreover, it was submitted that the decision which is reflected in Clause Nos.7 and 8 is taken as the same would be in conformity with the regulations governing the assessment of the students and awarding marks. The learned Senior Counsel would submit that if a student has normally failed in the previous semester examination, he or she is required to take up the supplementary examinations and get through each paper. However, the Sub-Committee and the University has understood the directions issued by this Court to mean that and at any rate a failed student cannot be assessed, in keeping with the regulations of the University and there is no performance which could be assessed in respect of a failed student. On the other hand, even if such students secure 16 marks out of 20 marks in the internal assessment and if it is scaled to 50%, such student will get 40 marks in the internal assessments only and therefore, even if the student has failed in the previous examination and such failed marks is taken into consideration to an extent of 50%, such



student will easily get secure above 40 marks and he or she has to be declared as passed. This according to the learned Senior Counsel would be in contravention of the regulations and the minimum standards set in terms of the regulations.

5. Heard the learned Senior Counsel for the respondent-University and the learned counsel for the petitioners and perused the petition papers.

6. Having given anxious consideration to the submissions at the Bar, this Court finds that on the face of it, the guidelines especially Clause No. 7 issued on 31.03.2021 is not in compliance with directions issued by this Court. In the order passed by this Court in the case of **RITVIK BALANAGRAJ.B (supra)** similar contentions regarding maintenance of minimum standard while assessing the students have been considered. It is noticed that the guidelines issued by the University Grants Commission was applicable even to professional courses such as Engineering and in the opinion of the UGC such deviations from the regular procedures were



required in view of the difficulties faced by the students owing to the COVID-19 pandemic. In this regard it would be profitable to notice what was considered by this Court in paragraphs No. 23 to 25 in the case of **Ritvik Balanagraj.B(supra)**. The relevant paragraphs are extracted herein below for easy reference.

"23. Most importantly, the Apex Court has noticed that the UGC constituted an Expert Committee to look into the issue. The Expert Committee has taken into consideration various aspects from various angles and all stakeholders into consideration. On the basis of the report submitted, the UGC proceeded to issue guidelines. It is relevant to notice that in all the guidelines issued by the Bar Council, reference has been made to the UGC guidelines. No doubt, the Bar Council is vested with the power to issue guidelines which would prevail upon all Law Universities, but the Bar Council has not appointed any Expert Committee to go into the issue which is specific to the Law Universities and law students. There is nothing on record which would convince



this Court that there was any material before the Bar Council to deviate from the guidelines issued by the UGC. The importance of holding examination for the final year/terminal semester students when compared to the other intermediate semester students has received full attention at the hands of the Apex Court as noticed above.

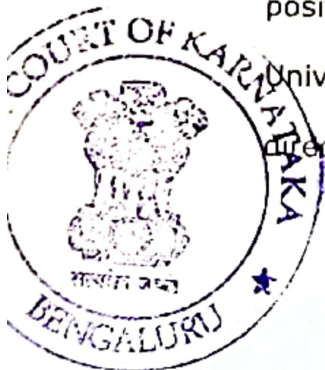
24. One another important aspect which was deliberated upon during the course of the argument was the hardship and pressure cast on the intermediate semester students in having to write examinations in 12 courses at a stretch. Each year being divided into two semesters, at the end of the Odd semester, an examination would be held, where the student would be taking up examinations in six courses. Similarly, with regard to the next semester viz., the Even semester, examinations would be conducted in six other courses. Unmindful of the difficulties that could be caused to the intermediate semester students, the impugned Press release and the notification dated 09.11.2020 requires the



students to write examinations of both the semesters together.

25. When deliberations happened on this issue, the respondent-University has come up with a fresh Time Table along with a notification dated 29.01.2021. On going through the fresh Time Table, it is evident that the respondent-University has not kept the interest of the students in mind. With regard to the third year LL.B. students, the new timetable has scheduled examinations starting from 15.02.2021 and ending on 26.02.2021, alternating the Odd and Even semester papers everyday. This clearly shows that there is total non-application of mind. Extraordinary situations demand extraordinary decisions, not only by this Court, but also the respondent-University.

7. Having taken a holistic approach, this Court deemed it necessary to issue such directions as found in the case of **Ritvik Balanagraj.B(supra)**. That being the position, there was no room for the respondent-University to once again deliberate upon what was directed by this Court. Since there is no ambiguity in the



orders passed by this Court, it does not matter whether a student who had failed in the previous semester should be declared as pass in view of the 50-50 formula directed and adopted by this Court. Therefore, the petitioners are entitled to claim that they have been treated in contravention of the directions issued by this Court without even assessing their performance in terms of the directions issued by this Court.

8. Before parting with this matter, it is essential to notice that only three students have approached this Court with the grievance as stated above, while there may be several hundreds of student who are similarly placed. Therefore, the benefit given to the petitioners herein shall also enure to all such students, who are similarly placed and the respondent-University shall extend the same benefit to all such students without waiting for such students to approach this Court.

9. Consequently, the writ petition is allowed. The impugned guideline insofar as Clause No. 7 is concerned, is hereby quashed and set aside, keeping the



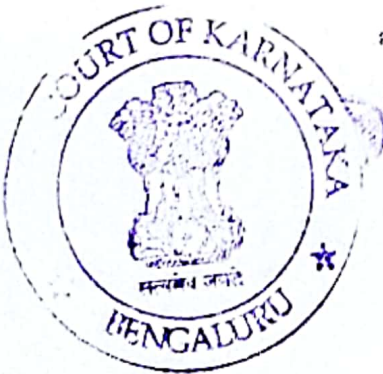
other guidelines intact. The respondent-University shall direct assessment of all such students who had written the previous semester examination, irrespective of the fact that they were declared failed in the previous semester examination. Marks cards shall accordingly, be issued after assessing the students in terms of the directions given by this Court in the case of **Ritvik Balanagraj.B(supra)**.

Ordered accordingly.

If the learned counsel for the respondents have not entered appearance, they are permitted to file memo of appearance within a period of four weeks from today.

Sd/-
JUDGE

IV



- a) The date on which the application was made 17/9/24
- b) The date on which charges and additional charges if any are called for
- c) The date on which charges and additional charges if any are deposited/Paid
- d) The date on which the copy is ready 23/9/24
- e) The date of notifying that the copy is ready for delivery 23/9/24
- f) The date on which the analysis is required to appear before 27/9/24
- g) The date on which the copy is delivered to the Appellate 23/9/24
- h) Examined by 22

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[Signature]
23/9/24
Section Officer
High Court of Karnataka
Bengaluru - 560 001