

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2024  
[@ SPECIAL LEAVE PETITION (C) NO. 30203 OF 2017]**

**VYJYANTI MEHRA**

**Appellant (s)**

**VERSUS**

**HIMACHAL PRADESH UNIVERSITY  
& ANR.**

**Respondent(s)**

**ORDER**

Leave granted.

Appellant filed a suit seeking compensation to the tune of Rs. 10 Lakhs against the University for revaluating the copies of the subjects which the appellant did not apply for and in consequence reducing the total marks. The suit was decreed by the trial court by granting damages to the tune of 4 lakhs. Upon appeal, the High Court vide impugned judgment dated 30.12.2016 set aside the judgment of the trial Court and dismissed the suit. The relevant portion of the impugned judgment is reproduced as thus:

*“11. Now herebefore, it is to be adjudged qua with the plaintiff depositing revaluation fees comprised in a sum of Rs. 120/-, sum whereof*

*uncontrovertibly is equivalent for facilitating revaluation of only two subjects as stood delineated in column No. 6 of Ex. P-3, qua hence the specific recitals occurring in column No. 6 of Ex. P-3 stood over ridden by column No. 1- thereof, predominantly when revaluation fees apposite for holding the revaluation of only two subjects stood deposited by the examinee. The learned trial Court had undermined the effect of the apposite recitals occurring in column No. 10 of Ex. P-3 by imputing deference to the testimony of DW-1 qua the examinee not asking for revaluation of her zoology paper yet imputation of credence by it qua the aforesaid facet echoed by DW-1 in his cross examination is visibly frail, frailty whereof stood enjoined by the mandate of column No. 10 to append her specimen signatures thereon yet she therein scribed her desire to seek revaluation of all her papers by the defendants whereupon it is to be firmly concluded qua the recitals scribed by her in column No. 10 arising from hers holding a deep thought besides the recitals occurring in column No. 10 of Ex. P-3 standing engendered by hers conceiving threat qua her initial evaluation of*

*all her subjects by the defendants holding incommensuration with her merit besides her performance whereupon she circumspectively scribed her aspiration qua the defendants holding all her subjects to revaluation. Occurrence of scribings in the subsequent column No. 10 when evidently arise from a well thought contemplation of the examinee, conspicuously hence they override her preceding request comprised in column No. 6 of Ex.P-3 whereon she with specificity beseeched the defendants to hold her only her Botany and Hindi papers to revaluation. The prevalence of subsequent recitals in Ex. P-3 vis-à-vis the earlier recitals in column No. 6 did empower the defendants to order for the revaluation of her zoology paper also the revaluation carried by the revaluator concerned of the zoology paper of the examinee dehors the occurrence of any digression from its initial evaluation, cannot stand undermined unless pleadings voiced ascription of malafides vis-à-vis the revaluator concerned also evidence in proof thereto stood adduced. However, neither pleadings apposite to ascription of malafides via-a-vis the revaluator of the Zoology paper of the plaintiff*

*occurred in the plaint nor evidence in proof thereto stood adduced, hence, the valid act of the defendants to hold her zoology paper for revaluation, cannot stand pronounced to be suffering from any vice nor thereupon the plaintiff can espousequa the sequelling proven depression which befall upon her holding any nexus therewith.*

On filing the Special Leave Petition, notice was issued on 04.01.2018. Parties were heard at length and after hearing the parties this Court passed the following order on 20.11.2023 :-

*“During hearing, we find that there is a discrepancy in the allotment of the marks in revaluation. It is seen that the revaluation was applied only for two subjects, i.e. Botany and Hindi and fee was also paid for two subjects only. But the revaluation was done in all the subjects, applying Clause 10 of the Revaluation Form, reducing the marks in other subjects.*

*Learned counsel for the respondents prays for time to seek instructions and file an affidavit restoring the marks in other subjects and to retain the original marks, except the*

*marks of two subjects to which Revaluation was applied for. Let the needful be done within four weeks.*

*Re-list after four weeks.”*

After passing such an order, it is on record that the University issued a fresh marksheet after correction made by them in subjects Zoology (written, practical and internal) and Botany (practical and internal) along with the enhanced marks in the two subjects viz Botany (written) and Hindi for re-evaluation which she applied.

Apropos, it is apparent that the appellant had only applied only for re-evaluation in two subjects, but in terms of Clause 10 of the Re-Evaluation Form, without deposit of the re-evaluation fee, the re-evaluation of other subjects has been made which was not found justifiable by this Court as apparent from the above-referred order.

After the said corrections in the mark-sheet, we have heard learned counsel for the parties on the question of grant of damages set aside by the impugned judgment of the High Court and perused the findings. Upon perusal of the same, we are unable to understand

the legality of the observation made in the impugned judgment without going through the pleadings and the evidence of the parties.

On examining the pleadings, evaluating the evidence and hearing Ld. Counsels for the parties at length, we are satisfied that the findings recorded in the impugned judgment and the observations made therein are not tenable on scrutiny of facts and the law. Appositely, we set aside the impugned judgment of the High Court and restore the damages to the tune of Rs. 4 Lakhs as allowed by Trial Court.

In view of above, the appeal is allowed.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.  
[ J. K. MAHESHWARI ]

.....J.  
[ SUDHANSHU DHULIA ]

**New Delhi;**  
**JANUARY 09, 2024.**

ITEM NO.14

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 30203/2017

(Arising out of impugned final judgment and order dated 30-12-2016 in RFA No. 340/2008 passed by the High Court Of Himachal Pradesh At Shimla)

VYJYANTI MEHRA

Petitioner(s)

VERSUS

HIMACHAL PRADESH UNIVERSITY &amp; ANR.

Respondent(s)

(IA No. 106253/2017 - EXEMPTION FROM FILING O.T.)

Date : 09-01-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Ashutosh Kumar, Adv.  
Ms. Vrinda Bagaria, Adv.  
Mr. Somanatha Padhan, AOR  
Mr. Kunwar Singh, Adv.

For Respondent(s) Mr. Ashwani Kumar Dubey, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The civil appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)  
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)  
BRANCH OFFICER

(Signed order is placed on the file)