
(2012) 01 AHC CK 0114
In the Allahabad High Court
Case No : Writ A No. 68893 of 2011

Abhilakh Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 13-01-2012

Acts Referred:

Citation : (2012) 01 AHC CK 0114

Hon'ble Judges : Sudhir Agarwal, J

Bench : Single Bench

Advocate : R.K. Singh and Akhilesh Kumar, for the Appellant; C.S.C. and Ravi Shankar Prasad, for the Respondent

Final Decision : Dismissed

Judgement

Hon'ble Sudhir Agarwal, J.—Petitioner has sought writ of mandamus commanding the respondents to declare his result of the year 2000-01 in respect to training he has undergone at District Institute of Education and Training, Fatehpur. Respondents have filed counter affidavit and in para 4, 7, 11 and 12 thereof have said as under: "4. That in reply to the contents of paragraph no. 3 of the writ petition it is stated that the petitioner appeared in the first year C.P.Ed. Examination in the year 1998, in which he passed, in the next year in session 1999 he has appeared in C.P.Ed. Second year examination but he was failed, and in the next year according to rules he was not appeared in supplementary examination, which was held in the year 2000-2001, hence there is no question for declaring the result of petitioner for the year 2000-2001, in which neither he has filled up the form nor appeared in the supplementary examination."

"7. That the contents of paragraph no. 6 of the writ petition are not admitted. It is further submitted that the petitioner was not appeared in the supplementary examination in the year 2000-2001, petitioner is showing the roll No. 584 for examination 2000-2001. The petitioner was appeared in the Second year C.P.Ed. Examination in the year 1999 with roll no. 584, in which he was failed. He has

obtained 47/100 marks while it is necessary for candidate to obtain 50/100 marks for passing in the examination, which is clear from annexure No. 2 of the writ petition. In the year 2000-2001 in the supplementary examination the roll Numbers were allotted to 104 to 249 to the candidates appeared from 13 Districts of the State of Uttar Pradesh, in which no candidate from Fatehpur District appeared in the aforesaid examination, which is clear from photocopy of the Tabulation Register (T.R.) that no candidate has appeared from Fatehpur District. As The names of only 13 districts find place in the T.R. Petitioner is trying to misled this Hon"ble Court for his benefit. As regard the letter dated 23.07.2004 issued by the D.I.E.T. Fatehpur as stated by petitioner was never received in the Office of the answering respondent, which can be verified from the index Register in the office of the answering respondent. It is necessary to state here that before conducting the examination, the Examination Controlling Authority receives the application form from the different D.I.E.T.s of the Uttar Pradesh thereafter, roll numbers are allotted to the respective candidates after that admit card is issued to the candidates for appearing in the examination. Neither the application form for supplementary examination of the petitioner was received in the office of the answering respondent forwarded by Principal, D.I.E.T. Fatehpur nor any admit card or roll number was issued by the office of the answering respondent."

"11. That the contents of paragraphs nos. 12 and 13 of the writ petition as stated are not admitted. According to rules, the result of those examinations of the petitioner was declared in which he was appeared. As, he appeared in the first year examination in which he was passed and in the second year examination-1999 he was failed. But he was not appeared in the supplementary examination, which was conducted by the respondents in the year 2000-2001, hence there is no question for declaring the result of the year 2000- 2001 in respect of the petitioner.

12. That in reply to the contents of paragraph nos. 14, 15 and 16 of the writ petition it is stated that the petitioner has obtained his C.P.Ed. Training from DIET, Fatehpur and he has appeared in the First Year examination of C.P.Ed. In the year 1998 alongwith roll no. 681, in which he was passed. Subsequently, he was appeared in the second year C.P.Ed. Examination in the year 1999 alongwith roll No. 584, in which he was failed. As, he has obtained only 47/100 marks while, it is necessary according to norms that the candidate must have obtained 50/100 marks hence he was failed in the second year examination. According to rules petitioner has to appear in the supplementary examination of 2000-2001, but he was not appeared hence there is no question of declaring his result of the year 2000- 2001. It is clear from the T.R. Of the supplementary examination that no application form was received in the office of the answering respondent from Fatehpur District, hence it is clear that petitioner was not appeared in the supplementary examination, and the petitioner never appeared in the supplementary examination conducted by answering respondent hence there is no question of declaring the examination of the petitioner."

No material has been placed by petitioner to show that aforesaid facts stated in counter affidavit are false or incorrect and also to demonstrate and establish that he actually appeared in supplementary examination in 2000-01. In the circumstances, the relief sought in writ petition cannot be granted.

2. Dismissed.