
(2019) 12 UK CK 0075
In the Uttarakhand High Court
Case No : Special Appeal No. 995 Of 2019

Akshit Joshi

APPELLANT

Vs

Assistant Secretary/P.I.O

RESPONDENT

Date of Decision : 12-12-2019

Acts Referred:

Citation : (2019) 12 UK CK 0075

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : A.K. Pandey, Shashank Upadhyaya

Final Decision : Dismissed

Judgement

Ramesh Ranganathan, CJ

1. The delay of two days in preferring this Special Appeal is not opposed by Mr. Shashank Upadhyaya, learned counsel for the respondent and the

delay is, therefore, condoned.

2. This appeal is preferred against the order passed by the learned Single Judge in WPMS No. 2491 of 2019 dated 21.09.2019. The appellant herein

invoked the jurisdiction of this Court seeking a writ of mandamus directing and commanding the respondent to re-check correctly the answer sheet of

the Science subject of the petitioner in the Secondary School Examination, Class X, 2019; and to issue him a new marks sheet.

3. Facts, to the limited extent necessary, are that the petitioner appeared in the 10th Class examination held in the year 2019, and he claims to have

secured 90% marks in English, Hindi, Mathematics & Social Sciences. He was, however, awarded only 37 marks out of 80 in the Science

examination. The appellant-writ petitioner secured 20 marks out of 20 in the

practical examination, and was therefore awarded a total of 57 marks; and, on 6 more marks being awarded on verification of his marks, he secured 63% marks in the Science examination.

4. The complaint of the petitioner is that, though he secured 90% and above marks in all subjects, it is only because of the erroneous evaluation of his answer sheet was he awarded 37 marks out of 80, though he ought to have been awarded far higher marks in the said subject. It is not in dispute that the petitioner has been declared successful in the 10th examination, and is now prosecuting his intermediate, course.

5. The jurisdiction of this Court has been invoked contending that, in terms of the prescribed procedure, the petitioner had submitted his application for revaluation in time; and the respondent-Board had refused to reevaluate his answer sheets necessitating his having to seek the intervention of this Court.

6. In the order under appeal, the learned Single Judge observed that a schedule was prescribed by the Central Board of Secondary Education (the CBSE for short), for verification of marks, obtaining a copy of the said answer sheet, and for seeking re-evaluation; the first step was to submit an application online between 10.05.2019 to 14.05.2019 for verification of marks on payment of a fee of Rs. 500 per subject. If the candidate was still not satisfied, the second stage enabled him to obtain a photo copy of the evaluated answer sheet for which an application was required to be submitted online, between 27.05.2019 to 28.05.2019, along with a sum of Rs. 500 per answer book. If, after verifying the evaluated answer book, the applicant was not satisfied with the evaluation, he was entitled to seek re-evaluation of the answer book by submitting an online application, between 31.05.2019 to 01.06.2019, on payment of Rs. 100 per question; while the petitioner did apply online for verification of marks, on payment of Rs. 500 for the Science subject, he did not comply with the requirement of the second stage, and failed to apply online for obtaining a photocopy of the evaluated answer book, on time i.e. between 27.05.2019 and 28.05.2019. His claim of having applied, under the Right to Information Act 2005, was of no consequence, since he had, admittedly, not followed the procedure prescribed for seeking re-evaluation of the answer sheet.

7. The learned Single Judge observed that applying for a photocopy of the

answer book, under the Right to Information Act, 2005, was not in accordance with the prescribed procedure; he did not apply for a photocopy of the answer book online as per the prescribed schedule; his application, under the Right to Information Act, was based on an entirely different procedure, and for a different purpose; and, since the mistake was entirely of the petitioner, no interference was called for.

8. It is the case of the appellant-writ petitioner that, in terms of the notice, an application was filed for being furnished a photo copy of the answer sheet as early as on 07.05.2019; the notice itself enables an application to be made under the Right to Information Act; and, since the answer sheet was furnished under the Right to Information Act belatedly, the appellant-writ petitioner could not submit an application, seeking re-evaluation of the answer sheet, on time.

9. The notice issued by the Central Board of Secondary Education on 07.05.2019 prescribes the modalities in the schedule for Secondary School

(Class X) Examinations, 2019 for the process of (I) Verification of Marks (II) Obtaining Photocopy of the Evaluated Answer Book(s) (III) Re-

evaluation of Marks. While the said notice was issued on 07.05.2019, the petitioner had applied under the Right to Information Act, for a copy of the

evaluated answer sheet to be supplied to him, on the same day i.e. 07.05.2019. Besides his application under the Right to Information Act, he also

appears to have, in compliance with the CBSE notice dated 07.05.2019, submitted an application online for verification of marks for which he paid Rs.

500/- as fees; and on his marks being verified, 6 more marks were added to his Science subject, thereby increasing his total marks in the said subject

to 63.

10. The very fact that the appellant-writ petitioner had applied online, for verification of marks, would show that he was aware of the procedure

prescribed in the CBSE notice dated 07.05.2019. The application, submitted by him on 07.05.2019, was for the answer book to be provided to him

under the provisions of the Right to Information Act. That did not, however, absolve him of his obligation to comply with the procedure prescribed in

the CBSE notice dated 07.05.2019, of submitting an application online for obtaining a photocopy of the evaluated answer sheet between 27.05.2019 to

28.05.2019 on payment of Rs. 500/- per answer book as fees. The information

furnished under the Right to Information Act is on a request made, on behalf of the petitioner, independent of, and unconnected with, the procedure prescribed by the CBSE in its notice dated 07.05.2019. The schedule thereto stipulates a time bound procedure for submitting applications online, and payment of the prescribed fees, at three different stages. The appellant-writ petitioner, having failed to comply with the prescribed procedure, cannot now be heard to complain that he has been denied the opportunity of having his answer sheet re-evaluated.

11. The needless pressure put on a young child, evidently by his parents, could have been avoided in his best interests. The present case is a classic example of unfulfilled parental aspirations being sought to be achieved through their children, thereby placing an enormous burden on these bright young minds. Here is a young intelligent boy who secured more than 90 marks in most of the subjects, with 63% marks in Science, and yet he is made to feel that he should have done far better. Such unwarranted pressure is not conducive to the mental well-being of a child. With the hope that parents would be more supportive of their children, we refrain from saying anything more. The Special Appeal however fails and is, accordingly, dismissed.

No costs.