

(2002) 10 AHC CK 0231
In the Allahabad High Court
Case No : C.M.W.P. No. 40895 of 2002

Amit Gupta

APPELLANT

Vs

Secretary, Board of High School and Intermediate Education,
Allahabad and Another

RESPONDENT

Date of Decision : 01-10-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 5 AWC 3983

Hon'ble Judges : S.P. Mehrotra, J

Bench : Single Bench

Advocate : R.C. Pathak, for the Appellant;

Judgement

S.P. Mehrotra, J.—This writ petition has been filed by the Petitioner under Article 226 of the Constitution of India, inter alia, praying for the following reliefs:

(i) a writ, order or direction in the nature of mandamus commanding the Respondents to recheck/scrutinize the answer copy of the Ist paper and II paper of the Mathematics subject of High School Examination, 2002, of the Petitioner having roll No. 841490.

(ii) a writ, order or direction in the nature of mandamus commanding the Respondents to produce the copy of the Ist paper and II paper of Mathematics subject of the Petitioner of High School Examination, 2002 before this Court.

(iii) any other writ, order or direction which Hon"ble Court may deem fit and proper in the circumstances of the case.

(iv) award cost of the writ petition throughout to the Petitioner.

2. It is, inter alia, alleged by the Petitioner that the Petitioner has been a meritorious student and he had excellent academic career since class 1 to 9 ; and that the Petitioner was regular student of Sri. Baliram High School Newri, Kanpur ; and that after passing IX class, the Petitioner appeared in the High

School Examination, 2002, conducted by the Madhyamik Shiksha Parishad, U.P. Allahabad with roll No. 0841490 ; and that in the said examination, the Petitioner has given correct answer of all the papers ; and that the Petitioner was sure that he would pass High School Examination, 2002 ; and that when the result of the said examination was declared, the Petitioner was shocked to find that he had been declared "failed" and he had obtained only 24 marks out of 100 marks in Mathematics I and II paper subject/papers ; and that the Petitioner applied for scrutiny of the marks in the I and II papers in Mathematics subject by depositing the required fee for Rs. 40 for each paper through challan to Madhyamik Shiksha Parishad, U.P., Allahabad, in the office of Respondents on 17.7.2002 ; and that a copy of the receipt dated 17.7.2002 has been filed as Annexure-2 to the writ petition, and that the answer books of the Petitioner in the said subject of Mathematics I and II papers have not been scrutinized till date.

3. In the circumstances, the Petitioner has filed this writ petition seeking the reliefs quoted above.

4. Heard learned Counsel for the Petitioner and learned standing counsel for the Respondents.

5. Learned Counsel for the Petitioner submits that even though the Petitioner has applied for scrutiny of the answer books, but no action has so far been taken by the Respondents in this regard.

6. Learned standing counsel submits that the scrutiny of the answer books of the Petitioner in respect of the subject Mathematics I and II papers will be completed expeditiously.

7. Having heard learned Counsel for the parties, this writ petition is disposed of with the following directions:

(1) (a) The Respondents will complete the scrutiny of the answer books of the Petitioner in the subject Mathematics I and II papers of the High School Examination, 2002, expeditiously, preferably within a period of six weeks from the date of production of a certified copy of this order before the Respondents along with a copy of this writ petition.

After completion of the scrutiny, the result of the scrutiny will be communicated to the Petitioner at the earliest by registered post. The result of the scrutiny will also be pasted on the respective answer books of the Petitioner, and this fact will be stated in the communication to be sent to the Petitioner by registered post.

The answer books of the Petitioner in the aforesaid Mathematics I and II papers will be preserved for a minimum of six months from the date of dispatch of the communication to the Petitioner.

(b) In case, the Respondents find any deficiency in the application for scrutiny, the said deficiency will be communicated to the Petitioner at the earliest and the Petitioner will be given reasonable time for rectifying the said deficiency. The

answer books of the Petitioner in respect of Mathematics I and II papers will be completed expeditiously, preferably within six weeks from the date of rectification of the deficiency by the Petitioner.

The result of the scrutiny will be communicated to the Petitioner at the earliest by registered post. The result of the scrutiny will also be pasted on the respective answer books of the Petitioner, and this fact will be stated in the communication which will be sent to the Petitioner by registered post. The answer books of the Petitioner in the aforesaid papers will be preserved for a minimum of six months from the date of dispatch of the communication to the Petitioner.

(2) (a) In case, there is change in the marks awarded to the Petitioner as a result of the scrutiny in the aforesaid papers of Mathematics I and II papers, the afore-mentioned communication to be sent to the Petitioner will, inter alia, contain a statement of marks originally awarded in the answer books of the said papers as well as marks awarded in the said answer books as a result of scrutiny.

(b) In case, there is no change in the marks awarded to the Petitioner as a result of scrutiny in the aforesaid papers, the aforementioned communication to be sent to the Petitioner, besides mentioning fact of there being "no change" will, inter alia, contain a statement of marks originally awarded in the answer books of the said papers.

8. The writ petition is disposed of with the aforesaid direction.