

(2000) 01 AHC CK 0027
In the Allahabad High Court
Case No : Writ Petition No. 2503 of 1999

Astik Kumar Pandey

APPELLANT

Vs

Director/Chairman, Board of High School and Intermediate
Examination and Others

RESPONDENT

Date of Decision : 09-01-2000

Acts Referred:

Citation : (2001) 3 UPLBEC 2088

Hon'ble Judges : U.K. Dhaon, J

Bench : Single Bench

Advocate : K.N. Misra, for the Appellant;

Final Decision : Allowed

Judgement

U.K. Dhaon, J.—Heard Sri K.N. Misra, learned Counsel, for the petitioner and the learned Standing Counsel.

2. The brief facts of the case are that the petitioner appeared in the High School Examination, 1998-99 from Hukkum Singh Inter College, Qaiserganj, as a regular student on the basis of Roll No. 1154134. The U.P. Board of High School and Intermediate Education declared the result of the petitioner who secured the first division. The petitioner has alleged that after seeing the mark sheet he was shocked as only 2 marks in Mathematics II Paper were awarded to him. The marks obtained by the petitioner in different subjects are as under :

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-----										I	II	III				
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English	35	32	-	67	383/600	Math-2	41	02	-	43	Passed	Science-2	20	23	18	61
with First	Social	Science	-	35	39	74	Division	Biology	20	27	20	67	-----			

The petitioner has also alleged that the U. P .Board of High School and Intermediate Education does not have any rule of re-evaluation of the marks

and, therefore, the petitioner approached this Court by filing the instant petition.

3. This Court by the interim order dated 9.9.1999 directed the opposite parties to produce the answer book of Mathematics II Paper of the petitioner before this Court on 22.9.1999. On 22.9.1999, the learned Standing Counsel informed that Answer Book of Mathematics II Paper of the petitioner could not be obtained and as such 30.9.1999 was fixed as the next date. On 30.9.1999, the learned Standing Counsel again took time to produce the answer book. The same request was made on 30.10.1999. The answer book thereafter was produced before this Court on 9.11.2000 and 29.11.2000. On 29.11.2000 this Court passed the following order :

"Answer Book of Math-II has been produced before this Court. The grievance of the petitioner is that there appears to be some manipulation as the writing on the cover of the answer book is that of the petitioner but the rest pages of the copy inside is not in his own hand writing. For this matter the learned Standing Counsel is directed to produce other answer books. List this petition on 7.12.2000. On that date the answer book of other subjects of the petitioner shall be produced before this Court."

4. In compliance of the order passed by this Court, the learned Standing Counsel has produced before this Court the answer books of Math-I Paper, Math- II Paper, Social Science-I Paper and Social Science-II Paper. The cover pages of the answer books of Math-II paper which bears the signature of the invigilator is in the hand writing of the petitioner which was compared with the cover page of answer book of Math-I Paper, answer books of Social Science-I Paper and Social Science-II paper. The six inside pages excluding the cover page are in different hand writing. The second answer book containing four pages out of which two are blank is also in different hand writing which is not of the petitioner.

5. The learned Standing Counsel has also admitted the fact that the answer books of Mathematics-II Paper are in different hand writing and he submits that it appears some mischief has been done at the centre where the petitioner submitted the answer books. The marks awarded to the petitioner in Math-II Paper are only 2 although he has secured 41 Marks in Math-I Paper. The petitioner has secured 71 marks in Hindi, 67 in English, 61 in Science, 74 in Social Science and 67 in Biology. In paragraph 8 of the writ petition the petitioner has specifically stated that he has solved all the questions of Math-II Paper correctly and he hopes that he will get more than 40 marks in the said subject.

6. The mischief has been done either at the centre where the petitioner submitted the answer books or at the place where the answer books were sent for evaluation is really shocking and it has been done deliberately with an intention to harm the petitioner. From the perusal of answer books and the marks obtained in other subjects and mathematics-I Paper, there is no dispute that the petitioner is a bright student who has to do much in his life. The Board of High School and Intermediate Education is the custodian of the answer books

of the students and in the instant case in spite of sufficient time the Board could not produce the original answer books of the petitioner of Mathematics-II Paper.

7. In view of the aforesaid facts this Court has no option except to believe the averments of the petitioner made in paragraph-8 of the writ petition which is uncontroverted where it has been stated that he will get more than 40 marks in Mathematics-II Paper.

8. In the result the writ petition succeeds and accordingly the Secretary of the High School and Intermediate Education Board, Allahabad is hereby directed to award 40 marks to the petitioner in Mathematics-II Paper as Mathematics is a scoring subject and issue a fresh mark-sheet within three weeks from the date a certified copy of this order is produced.

9. Keeping in view that the petitioner has suffered mental agony and shock and by awarding only 2 marks in Mathematics-II Paper he could not go for better education in a better college, this Court has no option except to award Rs. 20,000/- as compensation which the Board of High School and Intermediate Education, U.P., Allahabad will pay to the petitioner within two months from the date a certified copy of this order is produced.

10. The Secretary of the Board of High School and Intermediate Education, U.P., Allahabad, is directed to make a thorough enquiry into the matter and submit the report before this Court within six weeks.