

(2006) 04 AHC CK 0070

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 18760 of 2006

Centre Superintendent, High School Examination 2006 and
Committee of Management, Shri Ram Naresh Chaudhary
Inter College

APPELLANT

Vs

Joint Director of Education, Basti Region and Others

RESPONDENT

Date of Decision : 05-04-2006

Acts Referred:

Citation : (2006) 3 AWC 2593

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : R.C. Padia and Prakash Padia, for the Appellant;

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.—Heard counsel for the parties and perused the record.

2. This writ petition has been filed for quashing the impugned order dated 27.3.2006 passed by respondent No. 3, Secretary, Secondary Education Board, U.P, Allahabad by which 1st paper of Social Science of High School, 2006 of students giving examination in room Nos. 21 and 22 of Sri Ram Naresh Chaudhary Inter College, Ramwapur Sarkari, Sant Kabir Nagar has been cancelled.

3. The counsel for the petitioner contends that before cancelling the examination no notice or opportunity of hearing has been given to the petitioner Institution or Centre Superintendent and the reason given in the report is absolutely vague and is without application of mind. The counsel for the petitioner further contends that it is settled law that in case a large number of students appear in the examination and their answers are correct and are tallying, it is not the case of unfair means. It is further submitted that there is no provision in the Uttar Pradesh Public Examinations (Prevention of Unfair Means) Act, 1998 to cancel the examination and to take it again and the action of the respondents is violative of

the principles of natural justice.

4. The counsel appearing for the respondents submits that there is no illegality or infirmity in the impugned order.
5. From the impugned order it appears that on inspection of the Examination Centre it was found by the Flying Squad that in room Nos. 21 and 22 the answers to various questions of Social Science 1st paper tallied with each other.
6. I find no illegality or infirmity in the impugned order.
7. For the reasons stated above, the writ petition is dismissed.