
(2008) 01 AHC CK 0164
In the Allahabad High Court

Chandan Kumar Singh

APPELLANT

Vs

Union of India (UOI), University of Allahabad, Controller of Examination, University of Allahabad and Deputy Registrar (Exam), University of Allahabad

RESPONDENT

Date of Decision : 25-01-2008

Acts Referred:

Citation : (2008) 01 AHC CK 0164

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rakesh Tiwari, J.—Heard Sri Rakesh Pandey for the petitioner and Sri A.B.L. Gour for the respondents.

Result of the petitioner for the session 2006-07 has been cancelled on the ground that he had been caught by the flying squad.

Original record has been produced by the University which have been perused by the counsel for the petitioner.

2. The contention of counsel for the petitioner is that in his explanation the petitioner has taken a plea that he was not using unfair means and the printed material which has been appended alongwith the copy from which it is said that he had copied, was not found on him nor he has answered any question from it. Rather he has been implicated in this matter as it appears that said materials might be helping doubt but he has no knowledge of it. He further submits that answer to question No. 10 where this printed material is appended, does not tally with the answer. The counsel for the petitioner has fairly stated before the Court that four lines of the printed material which are in the nature of a quotation, do tally in question No. 1 attempted by the petitioner. In this regard he submits that one line quotation which tallies in question No. 1 being a quotation which had been crammed up by the petitioner, cannot be said to have

been copied it from the printed material appended to his copy.

3. The quotation which tallies in answer sheet is as under:

orZeku esa rgyukRed jktuhfr ds v/;;u djrk ds le{k leL;k fopkjkas dh nqyZHkrk
ugha oju~ mlds {ks= es i)fr;ksa dh fofHkUurk gSA

4. The contention of the counsel for petitioner appears to be plausible as there can be no difference where a quotation is quoted in the answer sheet. Hence, it cannot be said that the petitioner had copied it. Question No. 1 which has been attempted by him is incomplete and except the quotation 5 - 6 lines have been written by the petitioner which do not tally at all with the printed material which is said to have been used for unfair means by him.

5. The petitioner has already suffered loss of one year. Hence in view of the fact that use of unfair means from the printed material is not proved and he claims that the material was not found on his person, a case for benefit of doubt is made out as it cannot be said that unfair means had in fact been used by the petitioner. Punishment of cancellation of examination of 2007 and debarring him from appearing in Examination of 2008, therefore, appears to be disproportionate. Since one year of the petitioner has already been left which may be taken as sufficient punishment undergone by him, he shall be permitted by the University to appear in Examination of 2008.

6. For the reason stated above, the writ, petition is allowed with the above observation. No order as to costs.