

(2008) 03 CHH CK 0026
In the Chhattisgarh High Court
Case No : Writ Petition (C) No. 7231 of 2007

Dharam Singh

APPELLANT

Vs

State of Chhattisgarh and Others

RESPONDENT

Date of Decision : 03-03-2008

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2009) 1 MPJR 71

Hon'ble Judges : Dharendra Mishra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Dhirendra Mishra, J.—The petitioner is pursuing his duties in Chhattisgarh Institute of Technology, Rajnandgaon, respondent No. 2. He appeared in the second semester (Mechanical) examination, however he was declared unsuccessful in the subject of Chemistry. The petitioner again appeared in the next session, however he was declared fail. He appeared for third time in the same subject in May, 2007 and was again declared fail in Chemistry subject. He applied for copy of the answer-sheet under the provisions of Right to Information Act, 2005 and he has filed the answer-sheet as Annexure P-2. He produced the answer-sheet before the Professors of Bhilai Institute of Technology and Digvijay, College, Rajnandgaon for fresh evaluation and they opined that the answer-sheet has been wrongly evaluated and the petitioner ought to have been declared as pass. The petitioner applied for re-evaluation on 21.11.2007, however his prayer for re-evaluation was rejected and he was directed to appear in the examination which is proposed in the month of December, 2007.

2. Learned counsel for the petitioner fairly submits that the ordinance and statutes applicable to the examination in question do not permit re-evaluation where the student fail in a particular subject while he is granted 3rd opportunity to clear the subject.

3. Relying upon the judgment of the Hon'ble Supreme Court in the matter of The Secretary, West Bengal Council of Higher Secondary Education vs. Ayan Das and others (Civil Appeal No. 4560/2007 decided on 25.9.2007 by Supreme Court), it was argued that while considering the prayer for re-evaluation, it has to be considered that how far, the board has assured a zero defect system of evaluation, or a system which is almost fool-proof. In the instant case, it cannot be said that this system of examination held by respondent No. 3 may not have defect and it is almost full proof.

4. It is settled law that finality has to be attached to the result of public examination and, in the absence of statutory provision, Court cannot direct re-assessment/re-examination of answer scripts.

5. The Court normally should not direct the production of answer scripts to be inspected by the writ petitioners unless a case is made out to show that either some question has not been evaluated or that the evaluation has been done contrary to the norms fixed by the examining body. For example, in certain cases examining body can provide model answers to the questions. In such cases the examinees satisfy the court that model answer is different from what has been adopted by the Board. Then only the court can ask the production of answer scripts to allow inspection of the answer scripts by the examinee. (Kanpur University and Others Vs. Samir Gupta and Others,).

6. The above view has been subsequently followed in the matter of President, Board of Secondary Education, Orissa and Another vs. D. Suvankar and Another 2007 (1) SCC 603 and it was inter alia observed as follows:

The Board is in appeal against the cost imposed. As observed by this Court in Maharashtra State Board of Secondary and Higher Secondary Education and Another Vs. Paritosh Bhupeshkumar Sheth and Others, , it is in the public interest that the results Public examinations when published should have some finality attached to them. If inspection, verification in the presence of the candidates and revaluation are to be allowed as of right, it may lead to gross and indefinite uncertainty particularly in regard to the relative ranking etc. of the candidates, besides leading to utter confusion on account of the enormity of the labour and time involved in the process. The Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them. It would be wholly wrong for the court to make a pedantic and purely idealistic approach to the problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to pragmatic one were to be propounded. In the above premises, it is to be considered how far the Board has assured a zero defect system of evaluation, or a system which is almost fool-proof.

8. In the instant case, the petitioner does not dispute that there is no statutory provision for re-evaluation. The petitioner has not pointed out as to how the evaluation of the answer sheet of Annexure P-2 is incorrect. Except making vague statement that certain professors after going through the answer sheet of Annexure P-2 have opined that the evaluation has been wrongly done and the petitioner ought to have been declared pass, there is no material on record to persuade this Court for ordering re-evaluation, as prayed by the petitioner.

9. In view of the settled principle of law in this regard, I am not inclined to interfere in the instant matter while exercising extraordinary writ jurisdiction under Article 226 of the Constitution of India.

10. In the result, the petition deserves to be dismissed and is hereby dismissed.