

(1995) 10 AHC CK 0014
In the Allahabad High Court
Case No : C.M.W.P. No. 24595 of 1995

Gaurav Tyagi

APPELLANT

Vs

U.P. Madhyamik Shiksha Parishad and Another

RESPONDENT

Date of Decision : 31-10-1995

Acts Referred:

Citation : (1995) 10 AHC CK 0014

Hon'ble Judges : R.H. Zaidi, J

Bench : Single Bench

Advocate : Anil Sharma and Nalin Kumar Sharma, for the Appellant;

Final Decision : Allowed

Judgement

R.H. Zaidi, J.—Petitioner, by means of this petition prayed for issuance of a writ in the nature of mandamus commanding the Respondents to produce the answer books of the Petitioner, bearing Roll No. 410175, of Science subject (Physics and Chemistry), before this Court, of High School Examination for the year 1994.

2. It was on 4.9.1995 learned standing counsel was granted time to file counter-affidavit and to produce the answer books of the Petitioner, referred to above, before this Court. In compliance with the order passed by this Court, learned standing counsel has produced the answer books of the petitioner before this Court. After perusing the answer books of the Petitioner, learned standing counsel has clearly and categorically stated that there was mistake committed by the examiner in calculating the marks given to the petitioner in Science II First Paper (Physics). The petitioner has secured 15 marks in Physics while in the mark-sheet only two marks were noted to have been given to the Petitioner.

3. I have also perused the answer books of Science II First Paper of the Petitioner. The mistake is apparent on the face of record. In case, the correct marks would have been noted by the examiner, there was no question of declaring him failed. The petitioner has, thus, secured 38 marks in Science II.

4. In view of the said facts, the writ petition is liable to be allowed. The Respondents are directed to declare the result of the petitioner after assigning correct marks in Science IInd paper within a period of one week from the date a certified copy of this order is produced before Respondent No. 1.

5. In the result, the writ petition is allowed with costs which I assess at Rs. 2,500 (Two thousand five hundred only). Respondent No. 1 will be entitled to recover the aforesaid costs from the examiner concerned.

A certified copy of this order shall be given to the learned Counsel for the petitioner on the payment of usual charges within three days.