

(2010) 06 OHC CK 0001
In the Orissa High Court
Case No : Writ Petition (C) No. 10614 of 2009

Girija Sankar Dash

APPELLANT

Vs

Secretary, Board of Secondary Education and Another

RESPONDENT

Date of Decision : 21-06-2010

Acts Referred:

Citation : (2010) 110 CLT 648 : (2010) 2 OLR 484

Hon'ble Judges : M.M. Das, J

Bench : Single Bench

Judgement

M.M. Das, J.—Heard Mr. Mishra, learned Counsel for the petitioner and Mr. D.Mohapatra, learned Counsel for the Board of Secondary Education, Orissa, Cuttack.

2. The petitioner appeared in the Annual H.S.C. Examination, 2008. After the results were declared, he obtained his memorandum of marks. Finding that he has secured 41 marks in Third Language Sanskrit (TLS), he made an application by depositing requisite fees therewith for re-addition/rechecking of the said paper within the time stipulated in the Regulation of the Board. The petitioner was intimated on 21.3.2009 under Annexure-3 that there is no change in the marks allotted to him in TLS. Being aggrieved, the petitioner has approached this Court in the present writ petition claiming that he performed well in the said paper and expected much more marks and also challenging the intimation made by the Board that there was no change in the marks after rechecking and re-addition.

3. On notice being issued to the Board, it appears from Annexure-4 to the additional affidavit filed by the petitioner that the Board issued a fresh memorandum of marks dated 22.1.2010 indicating that the petitioner has secured 91 marks in TLS thereby increasing the aggregate also by 50 marks.

4. Mr. Mohapatra, learned Counsel for the Board has produced the answer script of the petitioner and also the written instruction in support of his contention that

the mistake was unintentional and the person, who rechecked the answer script of the petitioner added the marks awarded to the petitioner in respective answers and finding the same to be 91 as well as finding that in the cover page of the answer script, the total was mentioned as 91, he inadvertently concluded that there was no change which was intimated to the petitioner. But immediately after receipt of the notice from this Court, the matter was rechecked and the mistake was detected. Accordingly, the Inspector of Schools, Sambalpur Circle has been directed by letter dated 11.6.2010 to initiate disciplinary proceedings against the three persons, who, according to the Board, are responsible for the said mistake. Even accepting the contention of Mr. Mohapatra, the facts of the case reveal complete callous attitude of the authority of the Board in dealing with the careers of the students as this Court in innumerable cases found that where ever applications are made for rechecking/re-addition of answer scripts by the students as per the Regulation of the Board within the time stipulated, ordinarily, they get a reply in a formatted letter indicating "no change". It was also shows that such applications are never considered seriously by the Board. Had the petitioner not approached this Court, in all probability, the actual marks obtained by him in TLS would not have been awarded to him. Though this Court accepting the contention that the same might have resulted from a bonafide act, but, nevertheless, the injury caused to the petitioner is irreparable.

5. I, therefore, while finding that the petitioner's grievance has already been redressed by increasing the marks in TLS as "91", nevertheless, considering the mental trauma, which he underwent and the fact that, had immediate remedial measures been taken by the Board on the application of the petitioner for re-addition/rechecking of marks in the said paper, he would have got a scope to get admission to a college of high repute for prosecuting further study, it is required that the petitioner should be compensated, I, therefore, dispose of this writ petition directing that the Board shall pay a cost of Rs. 5000/- (Rupees five thousand) to the petitioner within a period of two weeks from today. The cost paid by the Board shall be recovered from the erring officials.

6. Urgent certified copy of this order be granted as per rules.

7. A copy of this order will be furnished to Mr. Mohapatra, learned Counsel for the Board for implementation of the directions issued above.