
(1998) 11 AHC CK 0065
In the Allahabad High Court
Case No : CMWP No. 6525 of 1998

Harikesh Bahadur and Ors.

APPELLANT

Vs

Board of High School & Intermediate Education Allahabad &
Ors.

RESPONDENT

Date of Decision : 25-11-1998

Acts Referred:

Citation : (1998) 11 AHC CK 0065

Hon'ble Judges : I.M.Quddusi, J

Final Decision : Allowed

Judgement

LM. Quddusi, J.—Heard learned Counsel for the parties. In this case counter and rejoinder affidavits have been exchanged. Hence the writ petition is being disposed of finally.

2. The brief fact of the case is that Ben Madho Inter College, Pratapgarh is a recognised Institution for preparing students for appearing in High School and Intermediate examinations, conducted by the Board of High School and Intermediate Education. The said Institution is also authorised to receive application forms of a candidates desiring to appear in the High School or Intermediate examinations conducted by the aforesaid Board, as private candidates.

3. The petitioners are the candidates appearing in High School examination 1998 conducted by the aforesaid Board. The application forms for the aforesaid examination were submitted by these petitioners to the Principal of the said Institution, within the specified time. True copies of the Treasury Challans to show that the forms were filled in and deposited alongwith Treasury Challans, within time have been filed. Some of these Treasury Challans are dated 8997 and some dated 9997. It appears that there was no permanent Principal in the Institution and officiating arrangements have been made and due to litigation between the persons claiming to hold the post of incharge Principal, application forms could not be submitted to the Board within time. Last date for submitting

forms by the Institution was fixed as 12th September, 1997, but the forms were submitted after how much delay is not known as nothing has been indicated in the counteraffidavit that the forms were submitted on which date. However, forms have been submitted and when this writ petition was filed an interim order was passed by this Court on 5398, directing the Secretary, Madhyamik Siksha Parishad, U.P. to make all arrangement so that besides the petitioners all the students who have filled in application forms from Beni Madho Inter College, Beni Madho Nagar, Pratapgarh after completing all the formalities and did submit the form with Incharge Principal of the said Institution after depositing fee etc. will be allowed to take High School Examination of U.P. Madhyamik Shiksha Parishad for the year 1998, provisionally by accepting forms and allotment of Roll Numbers to them provided he is satisfied that the candidates are otherwise eligible.

4. In compliance of the aforesaid interim orders the petitioners appeared in the examination but now their results have not been declared as the matter is sub judice before this court and the appearance in the examination of the petitioners was permitted provisionally.

5. Considering the facts and circumstances of the case, this court has come to the conclusion that there was no mistake of the students in sending the forms to the Board after the expiry of the last date fixed for this purpose. Hence, the students should not be suffered because of the slackness of the Institution or due to the dispute on the post of Incharge Principal or the Institution.

6. In the result the writ petition succeeds and is allowed. Opposite parties are directed to declare the result of the petitioners within one month from the date of production of a certified copy of this order.

7. Let a certified copy of this order be provided to the parties concerned within a week on payment of usual charges.