
(1979) 08 AHC CK 0020
In the Allahabad High Court
Case No : C.M. Writ No. 1834 of 1979

Jai Prakash Narain Sharma

APPELLANT

Vs

Board of High School and Intermediate Education and
Another

RESPONDENT

Date of Decision : 03-08-1979

Acts Referred:

Citation : (1979) AWC 619

Hon'ble Judges : K.M. Dayal, J;K.C. Agrawal, J

Bench : Division Bench

Advocate : S.N. Shukla, for the Appellant;

Final Decision : Allowed

Judgement

K.C. Agrawal and K.M. Dayal, JJ.—The Petitioner was a student of the Janta Uchhtar Madhyamik Vidyalaya, Duvauli, district Gorakhpur. He appeared in the High School Examination in the year 1978 conducted by the U.P. Board of High School and Intermediate Education. One of the subjects offered by him was mathematics. The Roll Number assigned to the Petitioner by Respondent No. 1 was 297335. The Petitioner appeared in the examination but his result was not declared. Subsequently the Petitioner received a notice from the Principal of the College that an enquiry would be made by an Examination Committee of Respondent No. 1 and that the Petitioner was asked to present himself on the date mentioned in the said notice. The Petitioner appeared before the said Committee and denied the charges. On 10-12-1978 the Petitioner received a communication from the Board informing him that he had been found guilty of having used unfair means at the examination and as such his result was liable to be cancelled. Against the said order, the present writ petition has been filed.

2. After hearing counsel for the parties, we are unable to uphold the order of the U.P. Board of High School and Intermediate Education. The Standing Counsel produced the entire record of the Board. Along with the record, the counsel also produced the copy of the Petitioner and one with which the answer of question

No. 9-Ka is alleged to have some similarities.

3. We examined the copies and the record. We are unable to find any similarities as alleged. The answer given by the Petitioner is different than the one from which the copying is alleged was done. It appears to us that no reasonable man could have held that the Petitioner was guilty of having used unfair means. The decision arrived at was perverse and as such is liable to be quashed.

4. The State counsel referred to a decision of a Full Bench of this Court in Ghazanfar Rashid Vs. Secretary, Board of High School and Intermediate Education, U.P., Allahabad and Others, . The present case, in our opinion, falls within the scope on which interference can be made by this Court. The ground was that if an order is based on no evidence and if the findings are arbitrary that no reasonable man could give to those findings, the order would be quashed.

5. In the instant case, we are satisfied that the decision taken by the Board cannot since be shared by any reasonable person since the order cancelling the result of the Petitioner, is liable to be set aside.

6. In the result, the writ petition succeeds and is allowed. The order of the Respondent No. 1 dated 10-12-1978 is quashed and the Respondent No. 1 is directed to declare the result of the Petitioner forthwith. In the circumstances of the case the parties shall bear their own costs.