
(2000) 07 MP CK 0018
In the Madhya Pradesh High Court
Case No : Writ Petition No.486 of 2000

Ku. Ritubala Soni

APPELLANT

Vs

State of M.P. and others

RESPONDENT

Date of Decision : 04-07-2000

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : AIR 2001 MP 57 : (2001) 3 MPHT 11 : (2001) 1 MPJR 168 : (2001) 1 MPLJ 339

Hon'ble Judges : C. Kumar Prasad, J

Bench : Single Bench

Advocate : Shri V.K. Jain, for the Appellant; Shri Ajay Raizada, Government Advocate, for the Respondent

Judgement

C.K. Prasad, J.

I begin this order with this perforce note. Framers of the Constitution, while conferring jurisdiction to this Court, to issue prerogative writs and power of superintendence, in their wildest dream would not have thought that a citizen of this country has to invoke the extra-ordinary jurisdiction of this Court under Arts. 226 and 227 of the Constitution of India for getting the mark-sheet corrected. Bulk of the time of the Courts are wasted on such avoidable litigation and unless this is curtailed, the complain of "delayed justice" and "pendency" cannot be overcome, notwithstanding herculean efforts by the Judges and increase of number of Judges.

Circumstances has compelled this child, who has just entered in her teen; to approach this Court inter alia praying that the respondents be directed to correct her mark-sheet. Petitioner appeared in this Primary School Certificate Examination held by respondent No. 2 in the year 1998. She was provided with the mark-sheet which shows that she has passed the examination in third division having secured 292 marks. Petitioner being sanguine about her performance in the examination, filed application before respondents for

correction of her mark-sheet on 5-5-1998. Nothing was done. Petitioner thereafter gave legal notice to the respondents but that also did not bring any succour to her. Petitioner made further attempt and gave legal notices dated 23-6-1998 and 17-7-1998. All these representations and legal notices did not move the respondents and ultimately left with no option, she has filed this writ petition.

By order dated 7-2-2000 this Court directed for issuance of a show-cause notice to the respondents. Thereafter the matter was taken up on 22-3-2000 and at the request of counsel for the respondents, three weeks time was granted to file the reply. Respondents did not carry out their commitment. Thereafter, the matter was taken up on 5-5-2000 and this Court directed the respondents to file the return by 26th June, 2000 and it further observed that in case no return is filed, respondent No. 6, shall be present before this Court on June, 2000. When the matter was taken up on 26-6-2000, at the request of counsel for the respondents, the case has been adjourned for today.

Today, when the matter is taken up, Mr. Ajay Raizada, G.A. states that the mark-sheet of the petitioner has been corrected and instead of 41% marks shown earlier, she has secured 64.5% marks. He further states that the petitioner was earlier shown to have passed the examination on IIIrd Division and on verification it has been found that she has passed the examination in 1st Division. He further states that necessary corrections have been made and the certificate has been made available to her.

I wonder as to why the petitioner has been forced to file this writ petition. Had the respondents given due attention to the representations made by her, a young girl who has just entered into her teen could not have come to this Court and had to undergo the trauma for all these years. When the mark-sheet could be corrected after filing of the writ petition, why it cannot be corrected without that. The editorial in India Today (July 10, 2000) flashes in my mind. "The bureaucracy-- self-perpetuating Hobbsion leviathan is not just the symptom of India's ills, it is the disease. Its very structure, sabotages innovations, condones lassitude and encourages the altitude that a Government job is a sinecure from the day you get it." As the mark-sheet has already been corrected, the direction sought for by the petitioner is of no consequence.

However, in view of the callous attitude of the respondents and in order to curtail this tendency, and to avoid uncalled for litigation, I am inclined to award an exemplary cost. Respondents shall pay to the petitioner a sum of Rs. 10,000/- as a cost of this litigation. Further, Principal Secretary in the department of Education of the Government of Madhya Pradesh is hereby directed to hold an enquiry and ascertain who is responsible for not correcting the mark-sheet within a reasonable period. The State Govt. shall be well advised to realise the amount of cost which I have awarded to the petitioner from the person held responsible and may take further disciplinary action against him. Principal Secretary of the department shall ensure compliance of this order and inform to the Registry of

this Court the action taken by it within 3 months.

Writ petition stands disposed of.