

(2002) 10 AHC CK 0089
In the Allahabad High Court
Case No : C.M.W.P. No. 37653 of 2002

Kumari Pallai Gupta

APPELLANT

Vs

Board of High School and Intermediate Education

RESPONDENT

Date of Decision : 09-10-2002

Acts Referred:

Citation : (2003) 2 AWC 1369

Hon'ble Judges : S.P. Mehrotra, J

Bench : Single Bench

Advocate : Suresh Chandra Verma, for the Appellant;

Judgement

S.P. Mehrotra, J.—A perusal of the copy of the mark-sheet of the petitioner for the High School Examination, 2002 annexed as Annexure-1 to the petition shows that the petitioner was awarded 14/100 in the subject Sanskrit.

2. By the order dated 6th September, 2002, the answer book of the petitioner in respect of the subject Sanskrit of High School Examination, 2002, was summoned. Today, learned standing counsel has produced before the Court the answer book of the petitioner in respect of the subject Sanskrit. A perusal of the answer book shows that the petitioner was awarded 64/100 in the subject Sanskrit, and not 14/100 as was mentioned in the mark-sheet issued to the petitioner, a copy whereof is annexed as Annexure-1 to the petition. Learned counsel for the petitioner states that the petitioner has been communicated the result of the scrutiny also and the marks awarded to the petitioner in respect of the subject Sanskrit have been shown as 64/100 as a result of scrutiny.

3. In view of the aforesaid circumstances, the respondent is directed to dispatch the correct mark-sheet of the petitioner to the concerned institution expeditiously, preferably, within a period of three weeks from the date of production of a certified copy of the order along with a copy of the writ petition before the respondent.

4. This case has brought to the notice of the Court a serious lacuna which exists

in the system of scrutiny adopted by the respondent. The procedure normally adopted by the respondent is as follows. The answer book of each candidate in each subject/paper is examined by the examiner and marks are awarded in the questions attempted by the candidate. The examiner enters the marks on the cover page of the answer book, and thereafter, the examiner adds up the marks awarded to the candidate and mentions the total of marks on the cover page of the answer book. Thereafter, the marks awarded to the candidate are entered in the "award blank". On the basis of the marks entered in the "award blank", mark-sheet of each candidate is prepared. The mark-sheet is issued to each candidate appearing in the High School/Intermediate Examination of the respondent mentioning the marks awarded to the candidate in various subjects/papers. If the candidate is not satisfied with the marks awarded in particular subject/papers, he applies for scrutiny of the answer books in respect of the said subjects/papers after completing the requisite formalities. While conducting the scrutiny, the person making the scrutiny, normally scrutinizes the answer book to check as to whether the marks have been awarded in respect of each question attempted by the candidate and whether the marks have been correctly entered on the cover page of the answer book and whether totalling of marks has been correctly done. If the marks have been awarded in each question attempted by the candidate and marks have been correctly shown on the cover page and the totalling of marks has been correctly done, then the candidate is normally communicated the result of scrutiny as "no change".

5. As noted above, marks awarded to each candidate in the answer books are entered in the "award blank", and the mark-sheet of each candidate is prepared on the basis of the marks entered in the "award blank". Hence, if, while making entry of the marks in the "award blank" from the answer book, any mistake occurs in copying the marks, the said mistake will be carried over to the mark-sheet also. Consequently, the marks shown in the mark-sheet will be different from the marks actually awarded in the answer books. However, the candidate will never come to know of the said mistake, nor will he come to know that the marks shown in the mark-sheet are different from the marks actually awarded to him in the answer books.

6. Further, as noted above, when the candidate applies for scrutiny, the person making the scrutiny normally scrutinizes the answer books of such candidate. If the marks have been awarded in each question attempted by the candidate and the marks have been correctly shown on the cover page and the totalling of marks has been correctly done, then the person making the scrutiny will report "no change". However, the person making the scrutiny may not be aware of the above mistake occurring in copying the marks in the "award blank" from the answer books, and the consequent mistake occurring in the mark-sheet of such candidate.

7. Therefore, even though the scrutiny of the answer books of the candidate may show "no change" in the marks, but the aforesaid mistake occurring in the mark-

sheet of such candidate will persist without such candidate even knowing about the same.

8. As the answer books are not shown to the candidate, he will never come to know that even though the result of the scrutiny shows "no change", but in fact, the marks actually awarded to him in the answer books were different from the marks shown in the mark-sheet issued to him.

9. In the present case, as noted above, mark-sheet issued to the petitioner mentioned 14/100 as the marks awarded to the petitioner in the subject Sanskrit. However, the answer book of the petitioner produced before the Court shows that the petitioner was awarded 64/100 in the subject Sanskrit. The mistake has evidently been detected as the answer book of the petitioner was summoned by this Court.

10. In Civil Misc. Writ Petition No. 35405 of 2002, Km. Pareena v. Regional Secretary, Secondary Education Board, U. P. Regional Office, Bareilly and Ors., decided on 20.9.2002, this Court came across a similar situation. In the said case, the petitioner had appeared in the High School Examination, 2001-2002 conducted in the year 2002. The petitioner got 315 marks out of 600 marks. In the mark-sheet issued to the petitioner, he was shown to have been awarded only 2 marks out of 50 marks in English 1st paper. The result of the petitioner was declared as "fail" in the said High School Examination, 2001-2002.

11. The answer book of the petitioner in the said case in respect of English 1st paper was summoned by this Court. When the answer book was produced before this Court, it was found that in the answer book the petitioner had in fact been awarded 27 marks out of 50 marks in the said English 1st paper. Hence, the marks shown as 2 out of 50 in the said English 1st paper in the mark-sheet issued to the petitioner in the said case was evidently incorrect.

12. Evidently, the mistake could be detected in the said case also as the answer book was summoned before this Court.

13. However, it is neither necessary nor advisable to summon the answer book in every case. It is, therefore, necessary to find out ways and means to eliminate the possibility of occurrence of similar situation as occurred in the present case as well as in Km. Pareena case (supra).

14. In order to reduce the possibility of recurrence of similar situation, it is directed that the respondent will follow the following directions in every case where scrutiny is applied for in respect of the High School Examination and the Intermediate Examination to be held by the respondent for the year 2003 and the subsequent years :

(1) (a) The scrutiny of the answer book(s) of the candidate in the subject(s) in which the scrutiny is applied for, will be completed expeditiously and in any case, within a period of two months of the last date fixed for submission of application for scrutiny.

After completion of the scrutiny, the result of the scrutiny will be communicated to the candidate at the earliest by registered post. The result of the scrutiny will also be pasted on the respective answer books of the candidate, and this fact will be stated in the communication to be sent to the candidate by registered post.

The answer books of the candidate in the subjects in which the scrutiny is applied for, will be preserved for a minimum of six months from the date of dispatch of the communication to the candidate.

(b) In case, the respondent (Board of High School and Intermediate Education/ Secondary Education, U. P.) finds any deficiency in the application for scrutiny, the said deficiency will be communicated to the candidate at the earliest and the candidate will be given reasonable time for rectifying the said deficiency. The scrutiny of answer books of the candidate will be completed expeditiously, preferably within six weeks from the date of rectification of deficiency by the candidate.

The result of the scrutiny will be communicated to the candidate at the earliest by registered post. The result of the scrutiny will also be pasted on the respective answer books of the candidate, and this fact will be stated in the communication which will be sent to the candidate by registered post. The answer books of the candidate in the subjects in which the scrutiny is applied for, will be preserved for a minimum of six months from the date of dispatch of the communication to the candidate.

(2) (a) In case, there is change in the marks awarded to the candidate as a result of the scrutiny in the subjects in which the scrutiny is applied for, the aforementioned communication to be sent to the candidate will, inter alia, contain a statement of marks originally awarded in the answer books of the said subjects as well as marks awarded in the said answer books as a result of scrutiny.

(b) In case, there is no change in the marks awarded to the candidate as a result of scrutiny in the aforesaid subjects, the aforementioned communication to be sent to the candidate, besides mentioning fact of there being "no change", will, inter alia, contain a statement of marks originally awarded in the answer books of the said subjects.

15. The learned standing counsel is directed to obtain instructions as to what further ways and means, the respondent is intending to adopt to eliminate the situation as has occurred in the present case.