
(2011) 11 AHC CK 0383
In the Allahabad High Court
Case No : Writ - C No. - 66400 of 2011

Kumari Saumya Chandel

APPELLANT

Vs

State of U.P. And Others

RESPONDENT

Date of Decision : 28-11-2011

Acts Referred:

Citation : (2011) 11 AHC CK 0383

Hon'ble Judges : Rajes Kumar, J

Bench : Single Bench

Judgement

Hon"ble Rajes Kumar, J.—Supplementary affidavit filed today. The same may be kept on record.

2. The petitioner appeared in the Intermediate Examination, 2011.

3. The grievance of the petitioner is that in the English second paper, she has been awarded Zero marks while in the English Ist paper, she has been awarded 21 marks and in the other papers also reasonable marks have been awarded. Therefore, it appears that there is some mistake committed in awarding zero marks in the English IInd paper.

4. The petitioner is seeking re-examination/scrutiny of the answer sheet of English IInd paper.

5. Under the provision of U.P. Act No.II of 1921 and Regulation framed thereunder, there is no provision provided for re-valuation and as such prayer made by the petitioner for the re-valuation can not be accepted in view of the decision of the Apex Court in the case of and in the case of Maharashtra State Board of Secondary and Higher Secondary Education and Another Vs. Paritosh Bhupeshkumar Sheth and Others, and Pramod Kumar Srivastava Vs. Chairman, Bihar Public Service Commission and Others,

6. Under the aforesaid provisions the only remedy provided to the petitioner is to apply for the scrutiny and also ask for the perusal of the answer sheet under

Right to Information Act, 2005.

7. The Apex Court in the case of West Bengal Council of Higher Secondary Education & another Vs. Pritam Rooj & others, (Appeal Civil 6462 of 2011) decided on 09.08.2011, while affirming the judgment of Calcutta High Court in the case of University of Calcutta & others Vs. Pritam Rooj) dated 09.02.2005 has held that in case an incumbent intends to peruse the answer sheet then remedy lies in approaching authority concerned under Right to Information Act, 2005.

8. Learned counsel for the petitioner submitted that the petitioner has already moved an application under Right to Information Act, 2005 on 25.08.2011 for perusing the answer sheet of the English IInd paper and raised other grievances also, which is pending consideration. 9. In view of the above, the writ petition is disposed of directing the Additional Secretary/Secretary, Madhyamik Shiksha Parishad, Regional Office, Allahabad to dispose of the application of the petitioner under Right to Information Act, 2005 expeditiously, preferably within a period of one month from the date of presentation of the certified copy of this order, strictly in accordance to law.