
(1999) 08 AHC CK 0186
In the Allahabad High Court
Case No : C.M.W.P. No. 35811 of 1999

Lalit Kumar Garg

APPELLANT

Vs

U. P. Board of High School and Intermediate, Allahabad and
others

RESPONDENT

Date of Decision : 21-08-1999

Acts Referred:

Citation : (1999) 4 AWC 2978(1) : (1999) AWC 2978 : (1999) 3 UPLBEC 1878

Hon'ble Judges : A. K. Yog, J

Bench : Single Bench

Advocate : Nalin Kumar Sharma, for the Appellant; S. C., for the Respondent

Final Decision : Allowed

Judgement

A. K. Yog, J.—Petitioner was a regular student and appeared in the Intermediate Examination, 1999 with Roll No. 1153692 held by the U.P. Board of High School and Intermediate. Allahabad, (for short called "Board") from the Centre Rashtriya Inter College, Shahpur (Muzaffarnagar).

2. It is submitted that on 27th March, 1999 while petitioner was attending to his Chemistry II Paper, a "Flying Squad" came for inspection and a member of "Flying Squad" found one small chit near the petitioner's seat in the Examination Hall and said chit was got tagged with his Answer Sheet. Petitioner was made to sign blank form. Petitioner has filed reports given by Invigilators in the concerned Examination Room (Annexures-6-7 to the writ petition).

3. It appears that a notice dated 28th April, 1999 (Annexure-4 to the writ petition) was given to the Regional Secretary of the Secondary Education Board through an Advocate.

4. In reply to the said notice dated 28th April, 1999 (Annexure-4 to the writ petition), Regional Secretary of the Board informed that such matters of using unfair means are being placed before Unfair Means Committee constituted by the Board and the Unfair Means Committee decides the cases after carefully

examining the case and thereafter result is being communicated to the concerned person. In the said reply, it is mentioned that decision is taken by the Unfair Means Committee in accordance with rules and relevant procedure.

5. In Paragraph 15 of the writ petition, petitioner alleges that delay in disposal of the matter by the respondents is causing an irreparable loss and his entire academic career is going to be ruined. However, this Court finds that in paragraph 16 petitioner out of his zeal or on legal advice made incorrect statement about his academic career. Learned counsel for the petitioner has produced a photostat copy of the mark-sheet of the High School which shows that petitioner is only a second divisioner.

6. Learned counsel for the petitioner admitted before this Court that averment in paragraph 16 of the writ petition do not depict true picture about the academic excellence of the petitioner.

7. Taking into account the fact that the petitioner's result of Intermediate Examination. 1999 has been withheld and in case decision is not taken in his case, he will lose one academic session.

8. In view of the above. I find that it is fit case where this Court should issue a writ of mandamus commanding generally concerned officers to decide all the cases of using unfair means pending before them till date within a reasonable time, which in the opinion of the Court should not be more than three months from today, i.e., November 30, 1999. Result of all the cases shall be communicated to the concerned candidates by post as per practice. Apart from intimating the result to the concerned candidate as indicated above, the concerned authorities are commanded to publish the result in two Hindi and two English daily newspapers having wide circulation in the entire State of U. P. for information of concerned persons.

9. In case Board find difficulty in achieving the object sought, contained in the Judgment of this Court, it shall approach concerned authorities in the State Government for providing additional resources and the same shall be provided by the State Government forthwith.

10. With the above observation/ direction, writ petition stands allowed.