
(2002) 05 AHC CK 0092

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 29636 of 1995

Laxman Kumar Gupta

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 20-05-2002

Acts Referred:

Citation : (2002) 05 AHC CK 0092

Hon'ble Judges : R.B.Misra, J

Final Decision : Disposed Of

Judgement

R.B. Misra, J.—Heard Sri Irshad Ali, learned Counsel for the petitioner and learned Standing Counsel for the respondents.

By this writ petition, the petitioner has prayed for declaration of result of Intermediate Examination for the year 1991.

2. It appears that the petitioner appeared in the Intermediate Examination of the year 1991 as a regular student from Uddyog Vidyalaya Inter College, Koilasha, Azamgarh and he was allotted Roll No. as 485410 for the year 1991 where the result was declared in the month of June, 1991 in which the result of the petitioner was withheld under W.B. Category (Mass Copying). However, subsequently, it appears that the candidates bearing Roll Nos. 485286, 485293, 485743, 485827 and 488991 have been declared passed by the respondents whose result were also with held under the same category as that of the petitioner on the ground of mass copying. Mass copying was allegedly made by these candidates in the English Second Paper. It appears that the Committee on 22111991 has decided to cancell the examination of the petitioner. However, the Committee's decision dated 221191 has neither been informed nor has ever been furnished to the petitioner. The petitioner has not afforded proper opportunity of hearing before cancellation of the examination. It appears that the candidates whose result was not declared on the ground of mass copying have filed writ petition No. 10276/93 and there result were declared subsequently here also the petitioner waiting for (sic) issue a provisional mark sheet of

Intermediate examination and the petitioner has got admission in B.A. Part I in Gandhi Shatabadi Smarak Mahavidyalaya, Koilasa, Azamgarh and where he has passed B.A.

3. Learned Counsel for the petitioner has placed reliance on 2000 (4) E.S.C. 2275 (All.), *Vijay Pal Singh v. Secretary Madhymik Shiksha Parishad, U.P. Allahabad* and another, where the result of Intermediate Examination of the writ petitioner was cancelled and the petitioner was issued a provisional mark sheet as an inquiry was take some time as the result was withheld under W/B Category. However, by virtue of issuance of provisional mark sheet the petitioner got admission in B.Sc. and M.Sc. from Ruhelkhand University on the basis of such mark sheet. Subsequently, his result of Intermediate examination was cancelled. It was held that when the writ petitioner pursued the higher studies, it would not be justified to revert back the petitioner at this stage.

4. The above case is application (applicable ?) in the present facts and circumstance of the petitioner and protect the case of the petitioner.

5. I have gone through the contentions of the writ petition as well as counteraffidavit, therefore the present facts and circumstance when the petitioner has got provisional mark sheet and has persuaded higher studies and obtained B.A. degree, therefore, it is not appropriate to relegate his case to the nondeclaration of the result of Intermediate Examination. Therefore, from this point of view the order dated 22111991 though apparently has not been placed to this Court but on the basis of same the committee has taken a decision to cancel the result of the petitioner, should be treated to be set aside. From this point of view this order is set aside and the respondents are directed to declare the result of the Intermediate Examination of the petitioner within three months from the date of receipt of the order. The copy of this order shall be furnished by the petitioner to the respondents concerned authority.

The writ petition is disposed of accordingly.