

(2015) 09 P&H CK 0409
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 12385 of 2015

Manraj Singh

APPELLANT

Vs

Punjab School Education Board

RESPONDENT

Date of Decision : 30-09-2015

Acts Referred:

Citation : (2015) 180 PLR 698

Hon'ble Judges : Rakesh Kumar Jain, J.

Bench : Single Bench

Advocate : Ashok Sharma Nabhewala, for the Appellant; Ranjit Singh Kalra, for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—The petitioner appeared in 10+2 examination held by the Punjab School Education Board [for short "the Board"] for the Session 2013-14. He was not satisfied with his result and thus made another attempt because he required higher merit for the purpose of admission in the professional course of Bachelor of Veterinary Science [for short "B.V. Sc."]. He appeared in the Session 2014-15 again. The result was declared on 11.5.2015. He was not satisfied with the marks awarded in three subjects, namely, English, Biology and Physics. He applied for rechecking and filed CWP No. 12275 of 2015 titled as "Manraj Singh v. Punjab School Education Board through its Secretary", in which the prayer was made for the issuance of a writ in the nature of mandamus to the Board for rechecking and re-evaluation of the answer-sheets in the aforesaid three subjects. The writ petition was disposed of on 9.6.2015 because it was found that rechecking has already been carried out during the pendency of the writ petition and the order has been communicated to the petitioner/Therefore, the said petition was disposed of as infructuous with liberty to the petitioner to file a fresh petition with better particulars including to lay challenge to the order already passed by the Board. Hence, the present petition has been filed to challenge the order dated 28.5.2015 (Annexure P-13), whereby the petitioner

has been informed that after rechecking of the answer-sheets of three subjects, namely, English, Physics and Biology, no error has been found in respect of the marks obtained. The petitioner has essentially asked for re-evaluation of the answer-sheets but admittedly, the relevant provision in regard to rechecking has not been mentioned by him in the petition which has otherwise been mentioned by the Board in its reply. The Rule regarding the rechecking of the paper, as enshrined in Calendar Volume 11, Page No. 70, Chapter III, read as under:-

"(1) A candidate shall be entitled to have his answer-books re-checked on payment of Rs. 400/- per answer book subject to the conditions mentioned below:-

(i) Application of rechecking must be made to the Board within 15 days of declaration of the result.

(ii) Rechecking will be done to remove only the discrepancies of mechanical nature.

(2) A candidate shall be entitled to have only photocopy of the answer-books on payment of Rs. 500/- per answer-book + Rs. 2/- per page, such applications must be made to the Public Information Officer (Exam) of the Board within 15 days of the declaration of result. After that no application shall be entertained.

(3) A candidate shall be entitled to have his answer book re-checked and can inspect also if likes on payment of Rs. 500/- per answer-book mentioned below:-

(i) Application of rechecking must be made to the Public Information Officer (Exam) of the Board within 15 days of declaration of the result. After that no application shall be entertained.

(ii) Rechecking will be done to remove only the discrepancies of mechanical nature.

In case any discrepancy of mechanical nature is discovered, the Chairman shall have the power to rectify the result of the candidate concerned."

It is further averred that at the time of rechecking, the following points were considered:-

- Whether the Roll number of the examinee on the answer sheet is correct?
- Whether the clip of the answer sheet is correctly placed, thereby meaning that all the pages of answer sheet are in order and no page is torn or missing?
- Whether the handwriting on the answer sheet matches with the request letter given by the examinee?
- Whether all the questions in the answer sheet has been marked by the examiner?
- Whether total marks for all the questions in the answer sheet has been rightly

filed on the front sheet of the answer sheet?

2. It is also submitted by learned counsel for the respondent that there is no provision under the General Regulations of Examinations for re-evaluation and until and unless there is a provision of re-evaluation, it cannot be guaranteed just on the asking of the petitioner. In this regard, the respondent has relied upon the Division Bench decision of this Court rendered in CWP No. 9040 of 2013 titled as "Amy Kumar Jain v. State of Haryana and another", decided on 2.5.2013.

3. I have heard both the learned counsel for the parties and after examined the record, am of the considered opinion that until and unless the provision of re-evaluation is there in the Calendar/Statute, it cannot be invoked. In this regard, the decision rendered by the Division Bench of this Court in the case of Amy Kumar Jain (Supra) is squarely applicable. Thus, in view of the aforesaid facts and circumstances, I do not find any merit in the present writ petition and the same is hereby dismissed.