
(1982) 07 RAJ CK 0012
In the Rajasthan High Court
Case No : Civil Writ Petition No. 947 of 1982

M.C. Khandelwal	Vs	APPELLANT
Chairman, Board of Secondary Education and Others		RESPONDENT

Date of Decision : 15-07-1982

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1983 Raj 16 : (1982) RLW 410 : (1982) WLN 449

Hon'ble Judges : G.M. Lodha, J

Bench : Single Bench

Advocate : Paras Kuhad, for the Appellant;

Final Decision : Dismissed

Judgement

G.M. Lodha, J.—This is a student's writ petition who has appeared in the Higher Secondary Examination in the year 1982 in Science group. He has been awarded an aggregate of 80% and 86% marks in optional subjects but he expected to secure 95% marks. He, therefore, applied for revaluation of his answer books but the respondents have refused to accept the application on the ground that there was no provision in existence, providing for any revaluation of the answer books.

2. Mr. Paras Kuhad learned counsel for the petitioner submitted that even when there was a prohibition on revaluation in the Maharashtra Secondary and Higher Secondary Education Board's Regulations, the same was struck down by the Bombay High Court. Reliance is placed on judgment of Avadhani Meena Ramchandra and Vs. Maharashtra State Board of Secondary and Higher Secondary Education, Pune and etc.,

3. On a careful consideration of the above judgment, I find that in the Maharashtra Regulations, there was a provision for inspection and the Court was of the opinion that if as a result of inspection the logical effect is not given by revaluation, then the Regulation (102) (2) becomes nugatory and ineffective. It

was observed that right of inspection and disclosure is only the means and not the end and, therefore, revaluation cannot be denied.

4. It is not in dispute that there is no analogous provision so far as Rajasthan is concerned.

5. In the absence of statutory provisions or a Rule, I am unable to accept the contention of Shri Paras Kuhad, that the right of revaluation is an inherent right of a student and this Court can enforce such an inherent right by issuing the writ against the respondent.

6. Mr. Paras Kuhad, learned counsel for the petitioner submitted that there is an administrative practice of scrutiny and scrutiny includes inspection. It is difficult to accept such an administrative practice, more so when the respondents have expressly denied in the reply to the petitioner, as mentioned in the writ petition, that there is no process of revaluation in existence.

7. The result is that in the absence of the legal right, this Court cannot enforce and assume inherent right which is too obscure and non-existent to be accepted.

8. The writ petition, therefore, fails and is hereby dismissed.