

(2012) 07 AHC CK 0135
In the Allahabad High Court
Case No : C.M.W.P. No. 36795 of 2012

Mohd. Idrish

APPELLANT

Vs

Chhatrapati Shahuji Maharaj University and Others

RESPONDENT

Date of Decision : 31-07-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 6 AWC 5659

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Advocate : S.S. Shukla and Dharmendra Mishra, for the Appellant; Neeraj Tiwari, for the Respondent

Judgement

Amreshwar Pratap Sahi, J.—Heard learned counsel for the petitioner and perused the supplementary-affidavit which has been filed today. The petitioner appeared in the B.Ed. examination of 2011 and the contention of the learned counsel for the petitioner is that the respondents have either not evaluated the answer book of the petitioner or have wrongly proceeded to get it evaluated without following the norms prescribed.

2. The petitioner applied under the Right to Information Act and the following allegations have been made in paras 18, 19 and 20 of the writ petition:

18. That it is further submitted when the petitioner check the answer sheet of II-paper, it was found that the question No. 5 of Section-B is not evaluated, even though the answer of above question No. 5 is given and, i.e., correct, the aforesaid question No. 5 was four marks.

19. That in answer sheet of 3rd paper, it was found that only one mark is given to the petitioner for answer of question No. II Section-B, even though out of four marks in other question two and 2-half marks was given.

20. That in answer sheet of 6th paper the question No. 4 Section-B for the four marks is not evaluated and other 14 questions was solved, it was evaluated and

six marks out of 10 given and on the basis of total marks given to the petitioner only 51 in place of 52. It was further found that question No. 21 of Section-C was for-Marks is not evaluated thus in paper No. 6 there is difference of 25 marks in the answer sheet of the petitioner, thus in paper No, 2 is differences of four marks and in paper No. 3 the differences of two marks.

3. Learned counsel for the petitioner submits that the respondent university ought to have taken action for getting the answer books evaluated in accordance with law and the norms provided for the same but having failed to get any relief the petitioner approached this Court under Article 226 of the Constitution.

4. The University has communicated to the petitioner on 15.5.2012 that after scrutiny no change has been found in the answer books of the petitioner.

5. Sri Neeraj Tiwari learned counsel for the University who has perused the contents of the writ petition as also the supplementary-affidavit filed today submits that the error can be corrected provided the University is given two weeks time to rectify the same in view of the allegations made by the petitioner. He however contends that there is no provision for re-evaluation. "Having heard learned counsel for the parties prima facie there appears to be an error in evaluation as alleged by the petitioner. Accordingly this writ petition is disposed of with a direction to the respondent university to carry out the aforesaid rectification and accordingly award appropriate marks to the petitioner and inform him within three weeks from the date of production of a certified copy of this order before it. This order has been passed on the peculiar facts of this case and shall not be treated as a precedent.

The writ petition is accordingly disposed of.