

(1999) 05 AHC CK 0121

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 29338 of 1998

Mohd. Uzeer

APPELLANT

Vs

Regional Secretary, Board of High School and Intermediate
Education U.P. Allahabad

RESPONDENT

Date of Decision : 19-05-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 05 AHC CK 0121

Hon'ble Judges : I.M. Quddusi, J

Final Decision : Allowed

Judgement

I.M. Quddusi, J.—Heard learned counsel for the petitioner and learned standing counsel.

2. The brief facts of the case are that the petitioner appeared in the Intermediate Examination, 1997, conducted by U.P. Board of High School and Intermediate Education, as private candidate. He was allotted Roll No. 1020146. His result was withheld on the allegation of using unfair means. A chargesheet was issued to him according to which he had copied the answer of question No. 7A of Physics 1st paper the examinees having Roll Nos. 1120118, 1120127, 1120123, 1120150, 1120152, 1120158, 1120161. The petitioner denied the charge in his reply. Thereafter, his result was cancelled against which the present writ petition has been filed.

3. This court has summoned the answer book of the petitioner and other examinees of relevant subject and compared the relevant answer with other candidates from whom the answer was allegedly copied and found that the answer of the petitioner does not tally with the answers of the other said candidates.

4. In view of the above this writ petition deserves to be allowed and the order cancelling the result of the petitioner is liable to be quashed.

5. In the result the writ petition succeeds and is allowed. The impugned order by which the result of the petitioner of the aforesaid examination has been cancelled is hereby quashed. The respondents are directed to declare the result of the petitioner and issue him the marksheet within one month from the date of production of a certified copy of this order and if the marksheet has been issued to him with W.B. remarks, the same shall be deposited by the petitioner in the office of the concerned respondents.

6. There is no order as to costs.