

(2009) 03 KL CK 0054

In the High Court Of Kerala

Case No : Writ Petition (C) No. 23794 of 2003 (G)

Monusha. M., represented by Father

APPELLANT

Vs

The Secretary, Board of Public and The Commissioner for
Govt. Examinations

RESPONDENT

Date of Decision : 13-03-2009

Acts Referred:

Citation : (2009) 03 KL CK 0054

Hon'ble Judges : Harun-Ul-Rashid, J

Bench : Single Bench

Advocate : M.R. Hariraj, for the Appellant; Government Pleader, for the Respondent

Judgement

Harun-Ul-Rashid, J.—Petitioner's daughter, Monusha.M., has appeared for the SSLC Examination conducted during March, 2003. She got 573 marks in the said examination. According to the petitioner, some fatal mistakes were crept in the valuation of the answer papers and he believes that proper valuation has not been conducted in the case of his daughter and some of the answer papers were not valued.

2. Monusha submitted an application for revaluation with requisite fee of R.3,600/- for nine papers out of the 12 papers. She got full marks for the other three papers. Ext.P3 is the application for revaluation dated 17/5/2003. Revaluation was conducted by the respondents and after revaluation, the marks secured were increased from 573 to 577 and consequently the position of rank was also changed from 15 to 12. Ext.P7 is the revised mark-list. Ext.P8 is the letter issued from the office of the 2nd respondent stating the details of the revaluation. Ext.P8 shows that there was no change in the marks obtained for English, Geography, Physics, Mathematics II and one mark each has been awarded for Malayalam I, Malayalam II, Hindi, History and Civics. It is submitted by the petitioner that nothing is stated in Ext.P8 about the Biology paper and that on enquiry he was informed that the revaluation could not be conducted for

the Biology paper, since the same was missing. Petitioner's apprehension is that the alleged missing of Biology paper and no change in the marks obtained for English, Geography, Physics and Mathematics II are an attempt on the part of the respondents in collusion with the parents of rank holders to prevent the petitioner's daughter from getting eligible marks, since the change in marks will cause considerable change in the position of the rank. In the said circumstances, the petitioner prays for a direction to the respondents to revalue the Biology paper or in the alternative call for the answer papers of the petitioner's daughter and get it valued through a panel of experts and also for a direction to the respondents to consider Ext.P5 application.

3. Pending the writ petition the petitioner filed I.A. No. 11727/2003 for accepting Ext.P9 document produced along with the IA stating that the document is issued pursuant to Ext.P5 application. Ext.P9 is a copy of the answer paper of the History and Civics subject. It is submitted that there are lot of over writing and corrections in the tabulation column which were not counter-signed by the valuer. It is also pointed out that over writing is in a different hand writing and with a different ink and it is clear that those were not done by the valuer. It is apprehended by the petitioner that had it been done by the Chief Examiner definitely it will bear his signature and seal and for question Nos. 25 and 27 initially 2 marks have been awarded and subsequently that was struck down and in a different handwriting one mark each is seen awarded. According to the petitioner, a perusal of Ext.P9 would reveal that a lot of foul play had been committed in the valuation.

4. The 1st respondent filed a counter affidavit stating that revaluation was done and the same was communicated to the petitioner, as a result of the revaluation the marks of the five subjects including Biology were increased and hence marks were awarded to the candidate and the revised marks were entered in the SSLC book. According to the 1st respondent, there is no variation for the other four subjects, which were also revalued as requested by the petitioner and photocopy of the Biology paper was also forwarded to the petitioner. Copy of the revalued answer scripts, copy of the SSLC mark list and individual mark list are marked as Ext.R1A, B & C. It is specifically stated in the counter affidavit that the Biology paper was revalued and the result was communicated to the petitioner on 1/9/2003. It is also averred in page 3 of the counter affidavit that if this Court desires so, the 1st respondent will issue photocopy of the Biology paper to the petitioner once again.

5. The petitioner produced Ext.P9 answer paper of History and Civics subjects for perusal of this Court. The petitioner suspected that foul play had been committed in the valuation. I also feel that the submission of the petitioner in this regard has some force and therefore requires re consideration. There is unhealthy competition between the parents of the rank holders and in the light of the contentions the petitioner's grievance shall be considered.

6. In the light of the grievances set out in the writ petition supported by

documents, which prima facie indicate that some foul play had been done, which caused irreparable mental agony and depression to the petitioner, and after considering Ext.P9 answer paper of History and Civics subject, I am of the view that the answer papers of the petitioner in all the 9 subjects shall be re-valued through a different panel of experts. Therefore, there will be a direction to the respondents to revalue the answer papers of the petitioner in all the 9 subjects by deputing a panel of experts other than the experts, who valued the papers. The revaluation shall be done within a period of four months from the date of receipt of a copy of this judgment and the result of the same shall be communicated to the petitioner within a period of three weeks thereafter, as per rules.

Writ Petition is disposed of as above.