
(2008) 09 OHC CK 0094
In the Orissa High Court

Rabindranath Panda

APPELLANT

Vs

Secretary, Board of Secondary Education

RESPONDENT

Date of Decision : 09-09-2008

Acts Referred:

Citation : (2008) 106 CLT 863 : (2008) 2 OLR 702

Hon'ble Judges : M.M. Das, J

Bench : Single Bench

Judgement

M.M. Das, J.—Heard Mr. Prusty, learned Counsel for the petitioner and Mr. Mohapatra learned Counsel appearing for the Board of Secondary Education, Orissa, Cuttack.

2. The petitioner appeared in the Annual H.S.C. Examination, 2008 and was declared successful and placed in the first division. The mark sheet, which has been granted to the petitioner, is annexed as Annexure-1 to the writ petition. Since the petitioner expected more marks in the subjects of English (SLE), Mathematics (CMT) and Social Science (SSC), he made an application for rechecking of the marks of the aforesaid papers. As no intimation was received by him with regard to the result of the application for rechecking, the petitioner has approached this Court in the present writ petition for appropriate remedy.

This Court while issuing notice directed the opp. party No. 1 to produce the answer scripts of the petitioner in the aforementioned three subjects.

3. Mr. Mohapatra, learned Counsel appearing for the Board of Secondary Education produces the aforesaid answer scripts of the petitioner, which have been verified by Mr. Prusty, learned Counsel for the petitioner. Mr. Prusty submits that even though the petitioner has secured 73 marks in English (SLE), but in the mark sheet obtained by the petitioner in the said subject, he has been awarded 30 marks.

4. I have perused the answer scripts of the petitioner in English (SLE). From the same, I find that the petitioner has been awarded 73 marks in the said subject,

but in the mark sheet under Annexure-1, It has been mentioned that the petitioner has secured 30 marks In the said subject. The above act clearly manifests the callous attitude of the Board of Secondary Education in dealing with the career of the students.

Mr. Prusty submits that had the petitioner been awarded 73 marks in English (SLE) in the mark sheet, which mark has been actually secured by him, he could have taken admission in a better college for prosecuting higher studies.

5. Considering the submissions made and after hearing learned Counsel for the parties, this writ petition is disposed of directing the Board of Secondary Education, Orissa, Cuttack to issue a correct mark sheet to the petitioner by correcting the marks in English (SLE) to "73" and also the total marks secured by him. For this purpose, the petitioner shall appear in the office of the Secretary, Board of Secondary Education, Orissa, Cuttack on 17.9.2008, when the fresh correct mark sheet shall be handed over to the petitioner on receiving due acknowledgement. Considering the nature of mistakes, which have been found regularly in various writ petitions with regard to issuance of the mark sheet by the Board of Secondary Education, out of which the present case is an example and further considering the prejudice and harassment caused to the petitioner by wrongly mentioning in his mark sheet that he has secured 30 marks in English (SLE) instead of 73 marks, the Secretary of Board of Secondary Education is directed to pay cost of Rs. 1000/- (Rupees one thousand) to the petitioner for such negligence. Such payment shall be made to the petitioner on 17.08.2008 in shape of a cheque drawn in the name of the petitioner.

6. The Secretary, Board of Secondary Education is further directed to cause necessary enquiry to identify the erring official on account of whose act such error occurred in the mark sheet of the petitioner and shall recover the above cost amount of Rs. 1000/- from the salary of the said officer. Urgent certified copy of this order be granted on proper application. A copy of this order be handed over to Mr. Mohapatra, learned Counsel appearing for Board of Secondary Education, Orissa, Cuttack.