
(2007) 07 AHC CK 0018
In the Allahabad High Court
Case No : Writ Petition No. 3954 (M/S) of 2006

Ram Pratap Singh

APPELLANT

Vs

Chhatrapati Shahuji Maharaj University and Another

RESPONDENT

Date of Decision : 27-07-2007

Acts Referred:

Citation : (2007) 7 AWC 7674

Hon'ble Judges : A.N. Varma, J

Bench : Single Bench

Advocate : Nishit Upreti and Alok Kumar Pandey, for the Appellant; Shashi Prakash Singh, S.K.I. Naqvi and M.A. Naqvi, for the Respondent

Judgement

A.N. Varma, J.—Through the instant petition the Petitioner, who is a student of D.S.N. Post Graduate College, Unnao, has approached this Court, praying therein for quashing of the marks sheet (Annexure-1) and statement of marks (Annexure-4), whereby in paper Nos. 3 and 6 of B.Ed., Examination 2006 in which he appeared as a regular candidate with Roll No. 92653, has been awarded "zero" marks. Under orders passed by this Court the answer books of the Petitioner in respect of paper Nos. 3 and 6 were required to be produced before this Court. It was further directed vide order dated 23.3.2007 that the Principal of the College (opposite party No. 2) as well as the Registrar of Chhatrapati Shahuji Maharaj University, Kanpur shall appear before this Court alongwith the entire record on the date fixed, i.e., 6.4.2007. The answer books of paper Nos. 3 and 6 were produced before this Court by the University on 6.4.2007. Both the answer books of the aforesaid papers of the Petitioner with Roll No. 92653 were found to be blank and he had been awarded "zero" marks in both the papers. The answer books supplied to the Petitioner to answer the questions in respect of paper Nos. 3 and 6 were numbered as serial Nos. 412625 and 645817 respectively, which would also appear from perusal of Annexure-3, which is a copy of the verification form issued by the centre, whereas the answer books which were produced before this Court on the said date bore serial Nos. 674741

and 457873. According to the learned Counsel for the Petitioner the answer books which have been produced by the opposite parties before this Court were not the answer books upon which the Petitioner had answered his questions though both the answer books had the Roll No. of the Petitioner (92653).

2. Sri S. P. Singh, learned Counsel for the University pointed out that whatever answer books that were received by the University had been produced by him before this Court. Sri Mahesh Chandra, the Registrar, Chhatrapati Shahuji Maharaj University who was present also reiterated and certified the same.

3. In view of the fact that the serial numbers which existed on the answer books produced before this Court on 6.4.2007 by the University were different from those referred to in Annexure-3 (certificate of verification by the centre) prima facie indicated that the answer books appeared to have been changed at the centre itself. This being a serious lapse on the part of the opposite parties, the matter was required to be investigated. As such vide order dated 6.4.2007 the District Judge, Unnao, was directed to appoint any Judicial Officer to conduct an enquiry into the affairs with regard to change of answer books. The enquiry was required to be completed within the time stipulated in the said order and was to be submitted thereafter to this Court by the District Judge, Unnao. Pursuant to the order dated 6.4.2007 the District Judge, Unnao, vide his order dated 12.4.2007 appointed Sri Deena Nath Srivastava, Additional District Judge, Court No. 1, Unnao as an Enquiry Officer, who after conducting a detailed enquiry, submitted his report dated 28.6.2007, which has been sent to this Court by the District Judge, Unnao alongwith covering letter dated 29.6.2007.

4. I have gone through the report submitted by the Enquiry Officer. After a detailed enquiry and upon consideration of the entire material placed before him, as well as after affording opportunity to the parties and after giving thoughtful consideration to their written submissions, the Enquiry Officer has found that the answer books bearing Nos. 674771 and 457873 were with the Degree College and the same were sent to the University with Petitioner's roll number. The said answer books which were produced before this Court on 6.4.2007, were found to be blank. The Enquiry Officer has opined that the Petitioner's answer books were changed and has recorded a categorical finding that the same were changed in the Degree College itself. Thus, it is clearly established that the answer books on which the Petitioner had answered the questions were not sent to the University for examination rather blank answer books were sent to the University as recorded by the Enquiry Officer. This fact has also been reiterated by the University in its counter-affidavit duly sworn by Sri Mahesh Chandra, Registrar, Chhatrapati Shahuji Maharaj University, Kanpur, wherein in paragraph Nos. 3 and 6 it has been averred that the answer books of Roll No. 92653 which were sent to the University by the Centre in respect of papers Nos. 3 and 6 were found to be blank and not a single question had been attempted by the Petitioner. Therefore, he could not be awarded any marks in the said two papers.

5. Sending of the blank answer books by the college to the University is most

reprehensible conduct on the part of the college and is a matter of great concern. The entire career of a candidate has been put to jeopardy. Perusal of marks sheet (Annexure-1) reveals that the Petitioner was awarded 64 marks in Teaching in Emerging Indian Society, 48 marks in Development of Learner and Teaching Learning Process, 40 marks in Essentials of Educational Technology and Management, 53 marks in Modern Indian Language-"Hindi". Zero marks have been awarded in Development of Education System in India and Social Sciences in which the answer books were changed.

6. The counsel for the University fairly submitted that average marks can be awarded to the Petitioner in the subjects in which he did not get any marks on account of the fact that blank answer books were sent to the University by the College. Mental agony and shock that the Petitioner has suffered and undergone on account of the aforesaid act of the college cannot be ignored. His entire career has been jeopardised for which he deserves to be amply compensated.

7. In view of the aforesaid, the writ petition succeeds and is allowed. The University is directed to award the Petitioner average marks in the above-mentioned two subjects in which he is said to have been awarded zero on account of submitting blank answer books to the University by the College. After awarding average marks in the said two subjects the result of the Petitioner shall be declared forthwith.

8. The College, i.e., opposite party No. 2 shall pay to the Petitioner a sum of Rs. 20,000 (Rupees twenty thousand) within a period of 15 days from the date a certified copy of this order is served on it, by way of compensation for the mental shock and agony that the Petitioner has suffered on account of his answer books on which he answered the questions having not been sent by the College to the University.

9. Let the blank answer books be returned to the Chhatrapati Shahuji Maharaj University, Kanpur, by the Registrar of this Court and the report dated 28.6.2007 submitted by the Enquiry Officer Shri Deena Nath Srivastava, Additional District Judge, Court No. 1, Unnao, shall form part of the record of this Court.