
(2001) 07 AHC CK 0131

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 50660 of 2000

Ravi Shankar Sharma

APPELLANT

Vs

Secretary Board of High School and Intermediate Education
U.P.Allahabad & Anr.

RESPONDENT

Date of Decision : 23-07-2001

Acts Referred:

Citation : (2001) 07 AHC CK 0131

Hon'ble Judges : R.P.Misra, J

Final Decision : Allowed

Judgement

R. P. Misra, J.—Heard Sri A.K. Dwivedi, learned Counsel for the petitioner and learned Standing Counsel appearing on behalf of the respondents.

2. The petitioner appeared in the High School examination in the year 1999. The allegation against the petitioner is that he used unfair means while answering the questions of Hindi Second paper. A First Information Report was also lodged against the petitioner under Section 3/9 of U.P. Anti Copying Act, which was registered as case crime No. 110 of 1999. It has been brought to the notice of the Court that Judicial Magistrate II, Allahabad vide order dated 18121999 has acquitted the petitioner and specifically held that the prosecution failed to prove the charges against the petitioner beyond reasonable doubt.

3. Under these circumstances, it is clear that when the prosecution failed to prove that any material was found from the possession of the petitioner, then it was not open for the respondents to cancel the result of the petitioner. The order of cancelling the result of the petitioner dated 12101999 is quashed. The respondents are directed to declare the result of the petitioner and issue marksheet within a period of ten days from today.

4. The office is directed to hand over a copy of this order within 24 hours to Sri S.B. Pandey, learned standing Counsel for its intimation to and follow up action by the authority concerned.