
(2009) 04 AHC CK 0259

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 19268 of 2009

Renu Kumari and others

APPELLANT

Vs

State of U.P.and others

RESPONDENT

Date of Decision : 09-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0259

Hon'ble Judges : Rakesh Tiwari, J

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.—Heard learned Counsel for the parties and perused the record.

2. The petitioners are aggrieved by the impugned order dated 3.4.2009 by which their examination of Social Science I paper held on 26th March, 2009 in Kisan Inter College, Agra has been cancelled.

3. The contention of learned Counsel for the petitioners is that there is no material, on the basis of which the authority came to the conclusion that there was any irregularity in the examination for the purpose of cancellation of the same. He has placed a detailed report of the Static Magistrate dated 30th March, 2009, appended as Annexure 3 to the writ petition in which it has been stated that examination has been conducted peacefully in the school and no copying etc. has been reported. He has also placed reliance upon Annexure 6 to the writ petition, which is a report of the Centre Incharge in which it has been stated that he had opened the sealed copies of the students before the Committee appointed by the District Inspector of Schools for verification as to whether there was any irregularity with regard to examination in the institution or not and after inspection the same have again been sealed. The report of the centre incharge is as under:

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4. It appears from the records that two students were found copying and were

caught red handed. It appears from Annexure6 to the writ petition that in the bundle of sealed copies opened by the Committee it was found that two copies bearing Roll Nos. 11365 and 11372 were missing and their details were not found in the details of absent candidates. According to the petitioners, these are the two students who were caught cheating red handed.

5. The authority has arrived at his satisfaction that there was copying in the institution and irregularities in the examination have been committed. This writ petition has been filed by the students praying for staying the effect of the operation of the impugned order dated 3.4.2009, appended as Annexure1 to the writ petition by which the examination of the aforesaid Social Science I paper has been scheduled to be held on 10th April, 2009.

6. It is not for this Court under Article 226 of the Constitution of India to actually verify as to whether the satisfaction arrived at by the authority was incorrect or there was any material or not for arriving at the conclusion for recommendation of cancellation of examination of Social Science I paper held on 26.3.2009 in the institution.

7. Admittedly students have been caught cheating red handed. Therefore, the report of the Static Magistrate that there was no cheating appears to be incorrect. Report that examinations were conducted peacefully does not mean that there were no "irregularities committed". Even in institutions where copying or mass copying is reported, peaceful conduction of examination may be reported until and unless there is any untoward incident as the students may "peacefully" indulge in copying/cheating for fear that if any incident happens the benefit of cheating may not be available to them.

8. Annexure6 the report of the Centre Incharge is also of no help to the petitioners as it only reports the status of sealed copies and of sealing them again after inspection by the Committee appointed by the D.I.O.S.

9. The report of the Committee is not appended with the writ petition, hence it cannot be said by the petitioners only relying upon Annexures5 and 6 that there was no material available to the D.I.O.S. to come to a conclusion that there was mass copying in the institution on 26.3.2009 in 1st paper of Social Science subject.

10. In the circumstances, the Court is not inclined to interfere in the matter in its extraordinary jurisdiction under Article 226 of the Constitution.

11. For the reasons stated above, the writ petition is dismissed. No order as to costs.