
(2011) 09 AHC CK 0473
In the Allahabad High Court
Case No : Writ C. No. 50338 of 2011

Ritwick Pandey

APPELLANT

Vs

The State of U.P. and Others

RESPONDENT

Date of Decision : 02-09-2011

Acts Referred:

Citation : (2011) 09 AHC CK 0473

Hon'ble Judges : V.K. Shukla, J

Bench : Single Bench

Judgement

V.K. Shukla, J.—Heard learned Counsel for the Petitioner, and Sri Neeraj Tiwari, Advocate for the Respondents-University.

2. Petitioner has rushed to this Court that writ in the nature of mandamus be issued directing the Respondent No. 2 to produce the answer book of the subject Code EEC 503 of B.Tech 5th Semester External Examination, Session 2010?2011, Branch Electronics and Instrumental Engineering (32), bearing Roll No. 0806832042 College Meerut Institute of Engineering and Technology, Meerut and further prayer has been made for issuing writ in the nature of mandamus directing the Respondent No. 2 to declare the result of evaluation of the answer book of the Petitioner of Subject Code EEC 503 of B.Tech 5th Semester External Examination.

3. On the matter being taken up today, Sri Neeraj Tiwari, Advocate informed the court that at Gatambudh Technical University, Lucknow after result is declared, two fold remedy has been provided for to the candidates (i) incumbent is entitled to apply for scrutiny (ii) in case no change is found in the scrutiny, then incumbent is entitled to apply for challenge evaluation. In the present case most surprisingly in the entire body of the writ petition Petitioner has not at all disclosed anything except the fact that in the scrutiny application, no change has been found. Entire writ petition is based on mere speculation and self assessment without there being any material. in support of the same. Petitioner in the garb of writ petition intends for evaluation and re-evaluation is not at all

provided for. In these circumstances as matter of course, this Court cannot direct for re-evaluation. Petitioner at last submits that in case answer sheets are summoned and perused, then everything would be clear.

4. At last Petitioner is insisting to summon the answer sheets in question, for his subjective satisfaction.

5. Hon"ble Apex Court in case of West Bengal Council of Higher Secondary Education and Anr. v. Pritam Rooj and Ors. (Appeal Civil 6462 of 2011) decided on 09.08.2011, while affirming the judgment of Calcutta High Court in case of University of Calcutta and Ors. v. Pritam Rooj (M.A.T. No. 275 of 2008) and other connected matters dated 09.02.2005 has held that in case an incumbent intends to peruse the answer sheet then remedy lies in approaching authority concerned under Right to Information Act, 2005. With the above direction present writ petition is disposed of.