
(2006) 01 AHC CK 0137
In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 26308 of 2006

Sandeep Kumar

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 31-01-2006

Acts Referred:

Citation : (2006) 01 AHC CK 0137

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

Final Decision : Disposed Of

Judgement

V.K. Shukla, J.—Petitioner has approached this Court for declaration is result of Intermediate Examination, 2004.

2. Petitioner has passed his High School Examination as regular in the year 1997 student from Allahabad Inter College, Allahabad. Petitioner filled examination form for appearing in Intermediate Examination as regular student in year 1999 with Roll Number 0504614 but due to unavoidable circumstance petitioner has contended that he could not appear in the examination. Petitioner has contended that thereafter he filled his examination form as private candidate with Roll No. 1091294 in year 2004 and appeared in the aforesaid examination of 2004. Thereafter when the results were declared his result was not declared. Petitioner filed Civil Misc. Writ Petition No. 2341 of 2005 before this Court and this Court asked the authority concerned to take decision. Pursuant to directives issued by this Court on 19.1.2005 passed in aforesaid writ petition claim of the petitioner has been rejected. At this juncture present writ petition has been filed.

3. Supplementary affidavit has also been filed by the Principal of the institution and therein it has been contended that in the year 1999 in Intermediate examination petitioner was allotted Roll No. 0504614, even in the cross list of the students name of petitioner has been mentioned.

4. This Court on 19.10.2005 accorded three weeks and no more time for filing of counter affidavit and for production of record. Thereafter on 10.11.2005, learned

Standing Counsel was directed to apprise the Court in respect of the result of the petitioner. On 17.1.2006 it has been informed that petitioner has been declared passed.

5. Apart from this in the present case undisputed position which has emerged is that petitioner has filled his Intermediate examination form in the year 1999 as regular student but due to unavoidable circumstances petitioner has contended that he could not appear in the examination and the Principal of the institution has certified this fact and there is no other material on record to disbelieve the same. Once petitioner has already pursued his course as regular student and has filled his examination form and Admit Card has also been issued him and thereafter petitioner has been permitted to undertake examination, then it would be unfair to detain the result of the petitioner specially when in the past he was regular student in the year 1999.

6. In these circumstances and in this background respondent Madhyamik Shiksha Parishad, Allahabad is directed to declare the result of the petitioner of Intermediate Examination, 2004 preferably within a period of three weeks from the date of presentation of certified copy of this order.

7. With the above observations, present writ petition is allowed and disposed.