

(2014) 05 P&H CK 0305
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 825 of 2013

Satbir

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 20-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0305

Hon'ble Judges : Daya Chaudhary, J

Bench : Single Bench

Advocate : Garima, Advocate for the Appellant; Kunal Dawar, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Daya Chaudhary, J.—The prayer in the present petition is for issuance of a writ in the nature of mandamus directing the respondents to produce the original answer sheet of the petitioner to verify the factual position as the petitioner has not been awarded any marks for questions at serial Nos. 1 and 5. A prayer has also been made for issuance of direction to the respondents to award marks as per criteria.

2. Original record of the case has been produced in the Court by learned counsel for the respondents-Union of India. Learned counsel for the petitioner has also seen the record and has fairly admitted that marks have been awarded of questions at Serial No. 1 and 5.

3. On perusal of record, learned counsel for the petitioner submits that there is a on the answer sheet and the marking has not been done in a proper manner. She further submits that earlier four marks were given to the petitioner against question No. 5 but subsequently, the same have been reduced to two marks and further, eight marks awarded were reduced to three marks against question No. 1. Learned counsel also submits that there is no provision of rechecking of answer sheets, still that has been done.

4. Learned counsel for the respondents has filed reply, which is already on record.
5. Learned counsel for the respondents submits that the petitioner has rightly been awarded 3 and 2 marks out of 10 marks for questions No. 1 and 5, respectively in Part II Paper. He further submits that the marks were awarded to the petitioner on the basis of his performance in writing the answers and hence, it cannot be said that the marks were not awarded. Learned counsel also submits that it was observed by the Board of Officers that a lenient marking was done and re-checking was done in case of other candidates as well. The Board of Officers were just and fair to all the candidates during evaluation of answer sheets.
6. Heard the arguments of learned counsel for the parties and have also perused the original record of answer sheets.
7. The contention of learned counsel for the petitioner that no marks have been awarded to the petitioner for questions No. 1 and 5 is contrary to record, whereas, the marks have been awarded. As per stand of the respondents that the evaluation of marking has been done in case of all candidates and not only of the petitioner. The criteria and the assessment by the examiner cannot be disputed. Even from Section `B" English, the performance of the petitioner appears to be very poor because of incorrect answers.
8. On perusal of original record, the answers as well as the criteria adopted by the respondents, no interference is required.
9. The petition is, accordingly, dismissed.