
(2008) 03 AHC CK 0187
In the Allahabad High Court

Smt. Baijanti Devi Inter College and Satya Pal Singh,
Assistant Center Superintendent Smt. Baijanti Devi Inter
College

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 14-03-2008

Acts Referred:

Citation : (2008) 6 AWC 5908 : (2008) 3 UPLBEC 2319

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

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

The petitioner is aggrieved by the order of the District Magistrate by which he has changed the examination centre of the students in midst of the examinations.

2. Contention of learned Counsel for the petitioners is that some anti-social elements who wanted to create disturbance in the college and facilitate some students in copying of the answer in Intermediate Examination conducted by the UP. Madhyamik Shiksha Parishad, Allahabad made two attempts for obtaining this object on 8th March and 9th March, 2008.

3. It is stated by the learned Counsel for the petitioners that on 8th March, 2008 respondent Nos. 7, 8, 9 and 10 came with some copies from out side in which answers had been solved. They wanted to substitute those copies in place of the copies submitted by the students after the examination. In this regard some altercations took place and as the copies had already been sealed, the aforesaid persons were not successful in their attempts. An F.I.R. was also lodged in respect of the incident on 8th March, 2008 itself by the institute.

3. In so far as the incident of 9th March, 2008 is concerned, it is submitted that the District Inspector of Schools, Agra had inspected the college along with Flying Squad. About 13 Farji teachers who had been deputed from other colleges

ran away from their duties. On the investigation made by the college on its own level it was found that those 13 persons were in fact imposters teachers having link with education Mafia.

It appears that the District Magistrate, Agra by the impugned order has changed the examination centre of the students to Rajkiya Inter College, Agra for this reason.

4. The impugned order is assailed by the petitioners on the following grounds-

(i) there is no report of involvement of the petitioner's institution regarding copying/mass copying or using unfair means ;

(ii) the order passed by the District Magistrate is beyond the jurisdiction as he has no authority under Chapter VII Rule 2(h) of the U.P. Intermediate Education Act which provides that only Secretary of the U.P. Madhyamik Shiksha Parishad, U.P. can change the examination centre; and

(iii) that the incident of "marpit" on the basis of which the centre has been changed can not be said to be an incident against the petitioners as the said incident occurred when the petitioners prevented some outsiders namely, respondent Nos. 7 to 10 from interfering in the Board examination.

5. Admittedly, the Board examinations have already commenced and are continuing. The District Magistrate is also the Chairman of the District Level Committee which has been formulated by the Madhyamik Shiksha Parishad for allotment of examination centre and for maintenance of law and order at the examination centre. The District Magistrate, DIOS as well as some teachers are also members of the said Committee. Admittedly, also the DIOS with Flying Squad inspected the petitioner institution on 9th March, 2008 and it was found that about 13 teachers who are said to be Farji invigilators (for helping some students in copying of the answers) ran away from the institution. Therefore, it can not be said at this stage that the petitioner institution was involved in copying/mass copying or not. Thirteen (13) class invigilators who are said to be outsiders ran away from the spot and no F.I.R. has been lodged by the petitioners against those persons. Though it is stated that the institution has made investigation at its own level and has found that those teachers are the teachers of the college as detailed in Annexure-5 to the writ petition.

6. The District Magistrate is the supreme authority for maintaining the law and order and he is also the Chairman of the District Level Committee for allotment of examination centre as well as for maintenance of law and order in the centres and as such in an emergent situation he has a right to order for change of centre in order to prevent the career of the students from antisocial elements and for their safety.

If the petitioner institution is involved or is implicated in copying/mass copying then the result of those students would come under a cloud endangering their life and career. Even otherwise, the examinations of the students may be saved from

anti-social elements who are creating disturbance in the college, therefore, in my opinion, the District Magistrate has not committed any illegality in changing the examination centre of the students in the petitioners institution in the above circumstances.

7. However, as the petitioner claims that it was not involved in any illegal activities of permitting the students in use of unfair means and has also lodged report regarding the incident dated 8th and a complaint to the DIOS for the incident of 9th March, 2008 which have to be enquired into. If the examination centre is again changed at this stage as prayed by the petitioner it will create more problems and add to the confusion in the circumstances of this case.

8. In the circumstances, the District Magistrate is therefore, directed to ensure complete security of the transferred examination centre and the students by preventing anti-social elements who are said to be interested in some of the students appearing in the examination. The District Level Committee will make an enquiry after hearing the petitioner and decide after the examinations are over as to whether the petitioner institution should be made examination centre or not for the next year and submit its recommendation to the UP. Madhyamik Shiksha Board within one month thereafter. The Board shall further take decisions in the matter within a month thereafter under information to the institution.

For the reasons stated above, the writ petition is accordingly disposed of.