

(2006) 04 AHC CK 0074

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 69325 of 2005

Smt. Reena Raj

APPELLANT

Vs

Chhatrapati Sahuji Maharaj University and Examination
Controller, Chhatrapati Sahuji Maharaj University

RESPONDENT

Date of Decision : 06-04-2006

Acts Referred:

Citation : (2006) 7 AWC 6741

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : Rakesh Kumar, for the Appellant; R.C. Singh and Neeraj Tiwari, for the Respondent

Judgement

Rakesh Tiwari, J.—Petitioner is the student of Chhatrapati Sahuji Maharaj University, Kanpur. She appeared in B.A. part-III examination in two subjects namely Political Science & Ancient Indian History and has been awarded only 14, 15 & 19 marks in Political Science I, II and III paper and 5, 7 & 18 marks in Ancient Indian History I. II and 111 paper though she expected to secure 60% in each subjects.

2. It is stated that the petitioner had attempted all the questions of each paper and answered them correctly. It appears that the petitioner has given consolidated marks and has to be awarded separate marks for each of the questions.

3. The matter is covered by the Judgment in writ petition No. 44936 of 2004, Smt. Reena Raj v. Chhatrapati Sahuji Maharaj University, through its Vice Channcellor, wherein the Court has held as under:

As regards Political Science Paper I, counsel for the University concedes that in that question paper also Section B consists of 15 questions and each question carries two marks. In view of the concession of the University's counsel that in each of the questions of Section B, marks have not been awarded separately the

answer books of these two papers requires revaluation. Counsel for the petitioner states that revaluation may be directed to be done of all the questions answered in these papers because the examiner has not applied mind. There is merit in this contention. It is common ground between counsel for the petitioner and the University's counsel that in Ancient History II and Philosophy II all the questions answered by the petitioner marks have been awarded and the totaling is also correct, Therefore no interference is required in these papers.

It is therefore, directed that the Registrar of the Chatrapati Sahuji Maharaj, respondent No. 2 shall get reexamined the Ancient History Paper I and Political Science I. A writ of mandamus is issued to the respondent University to award average marks to the petitioner in Philosophy I Paper and Political Science II, The average marks will be calculated on the basis of revised marks which the petitioner obtains as a result of reexamination.

The writ petition is thus allowed in part.

4. The petition is accordingly decided in terms of the aforesaid judgment. Therefore, copy of the petition in the circumstances, be reexamined within a week of the date of production of certified copy of this order and the marks and result of the aforesaid reexamination shall be communicated to the petitioner within 3 days thereafter. Consequences of re-examination to follow.