

(1986) 10 AHC CK 0040

In the Allahabad High Court

Case No : Civil Misc. Petition No. 19163 of 1986

Smt. Sudha Saxena

APPELLANT

Vs

U.P. Board of High School and Intermediate Education and
Another

RESPONDENT

Date of Decision : 24-10-1986

Acts Referred:

Citation : (1987) 1 AWC 426

Hon'ble Judges : R.M. Sahai, J;B.N. Misra, J

Bench : Division Bench

Advocate : Udai Karan Saxena, for the Appellant;

Final Decision : Disposed Of

Judgement

R.M. Sahai, J.—By this petition a direction is sought to opposite party to declare result of Petitioner of High School examination of 1986. The Petitioner appeared as a private candidate. She deposited her form late along with examination and late fee. It was forwarded by the centre. The Board allotted a roll number to her. She appeared in the examination. On 2nd May, 1985 after the examinations were over she was informed that her form had been rejected as she deposited examination fee after expiry of prescribed time. And when results were announced it was withheld.

2. Since the reason for withholding the result preceded by rejection of her form was apparent from Annexure-1 it was not considered necessary to grant any time for counter-affidavit and the petition is being disposed off after hearing learned standing counsel at admission stage under Rule 2 of Chapter XXII of Rules of Court.

3. From Annexure-1 it is apparent that examination fee was deposited after time. It cannot be disputed that the forms can be deposited even after prescribed time with late fee in certain circumstances. Therefore, it was necessary for Board to reject the form only when sufficient ground was not made out. But that does not

appear to be material as the Board did allot her roll number. The appropriate stage for rejection of form was before examination. Once she was allotted roll number and permitted to undertake examination then in absence of any reason it would be unfair to deprive her from knowing the result only because the form was deposited after time. All procedure are meant to advance and promote the purpose for which they are framed. The obvious purpose of rule is to permit candidates appearing in the examination to submit their forms within time to enable the Board to scrutinise it and reject those which are not in order. And if defect is not material then to remove it. Therefore, the power to reject the form should have been exercised before hand. In no case after allotment of roll number and ending of examinations. The argument of learned standing counsel that the allotment of roll number is provisional, subject to final decision by the Board which if necessary can be taken even after examinations, is not wholly correct. It is available in very limited cases where false declaration is made or the candidate is guilty of forgery etc. Not in a case where the fee was deposited after prescribed time. In such cases once a candidate has been permitted to appear then unless there is something very serious the Board should normally allow the same. Because when a person is guilty of fraud etc. the principal of estoppel founded on equity does not come to his rescue. Otherwise there appears no reason why the Board should not be held bound by its decision. Once it allotted the roll number it shall be deemed that it condoned the delay. It could not be subsequently revoked except for very good and strong reasons. The rejection in such circumstances should be rare and not mechanical.

4. The petition is, therefore, disposed off by directing the Board to declare result of Petitioner. There shall be no order as to costs. Ordered accordingly.