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**(2006) 04 AHC CK 0109**

**In the Allahabad High Court**

**Case No :** Civil Miscellaneous Writ Petition No. 57305 of 2005

Uzair Ahmad and Sama Khatoon

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 17-04-2006

**Acts Referred:**

**Citation :** (2006) 2 UPLBEC 1624

**Hon'ble Judges :** Rakesh Tiwari, J

**Bench :** Single Bench

**Advocate :** Awanish Kumar Mishra, for the Appellant;

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## **Judgement**

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

2. The petitioners have challenged the result of their High School examination. 2005. They appeared in the High School Examination, 2005 as regular students from the Public Higher Secondary School, Anthary Nighuri, Sant Kabir Nagar conducted by Madhyamik Shiksha Parishad, Allahabad. The subject combination of petitioner No. 1 was Hindi, Urdu, ELE mathematics. Science, Social science and Drawing and that of petitioner No. 2 was Hindi, Urdu, Home Science, Science, Social Science and Drawing.

3. It is submitted that the petitioners being sincere students appeared in all the papers on the scheduled dates of examination. It is stated that the copies of the petitioners have been changed at the behest of the manager of the committee of management who had accepted Rs. 1000/- per paper from some students. This act of the Manager was protested by the teachers of the Institution and they had also complained to the District Magistrate regarding illegal action of the Manager of the Committee of Management on 19.3.2005.

4. The petitioners also have informed by means of application dated 6.4.2005 to the Sachiv, Madhyamik Shiksha Parishad, U.P. Allahabad and had also sent a copy of the same to the Joint Director of Education, District Inspector of Schools and Station Officer, P.S. Kheserha, District Siddharth Nagar by registered post.

They also moved another application to the Secretary, Madhyamik Shiksha Parishad on 8.4.2005.

5. The District Magistrate, Sant Kabir Nagar vide order dated 18.4.2005 had directed the Joint Director of Education, Basti Region, Basti to enquire into the aforesaid matter.

6. The grievance of the petitioners is they have been given zero marks in Math IInd paper as their copies had been changed by the Manager with those who had not answered any question and had given Rs. 1000/- per paper to the Manager as "Theka" amount. It is stated that inspite of the directions of the District Magistrate, the Joint Director of Education has not enquired into the matter.

7. The only relief sought by the counsel for the petitioners is that an enquiry which is pending against the respondent Principal may be brought to its logical conclusion within a time bound frame fixed by this Court.

8. The standing counsel states that Public Higher Secondary School, Anthry. Nighuri, Sant Kabir Nagar has been debarred as examination centre for a period of five years by the Assistant Secretary, Madhyamik Shiksha Parishad. U.P. Allahabad (for Regional Secretary). It is not a punishment to the Manager for playing with the life and career of students who appeared from the school examination centre.

9. In the circumstances, the District Magistrate, Sant Kabir Nagar is directed to conclude the enquiry against the respondent-Principal in accordance with law within a period of three months from the date of submission of a certified copy of this order. In case he is found guilty, FIR be lodged against him and further action in accordance with law be taken.

10. With the aforesaid direction, the petition is disposed of finally.