

(1993) 10 AHC CK 0067

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 32760 of 1992

Ved Prakash

APPELLANT

Vs

U.P. Board of Secondary Education

RESPONDENT

Date of Decision : 27-10-1993

Acts Referred:

Citation : (1994) 2 AWC 930 : (1994) 2 UPLBEC 901

Hon'ble Judges : R.A. Sharma, J

Bench : Single Bench

Advocate : S.A. Ansari, for the Appellant;

Final Decision : Allowed

Judgement

R.A. Sharma, J.—Petitioner appeared in High School Examination held in 1991, but his result was withheld. He has filed this writ petition against the above order and has prayed for writ of mandamus directing the Respondent, Board of High School and Intermediate Education, U.P., Allahabad thereafter referred to as the Board) to declare his result of High School Examination of 1991.

2. The Board has filed counter affidavit in paragraph 4 of which it has been stated that Petitioner's result was withheld on the ground of mass-copying. Petitioner has disputed the above statement by filing a rejoinder affidavit. Learned Standing Counsel has produced the original record including the show cause notice given to the Petitioner before the court to day. From the perusal of the show cause notice, issued to the Petitioner, it is apparent that two charges were levelled against him, namely, (i) while answer of question No. 3-A of Maths given by him is correct but the steps through which he hat reached that conclusion have not been disclosed; and (ii) there is discrepancy error in the answer of question No. 5 of the same paper. It is thus apparent that there was no charge of mass-copying levelled against him. The stand taken by the Board in the counter, affidavit to the effect that the Petitioner was found guilty of mass-copying is not sustainable on the basis of the original record produced before the

Court. There is contradiction between the stand taken by the Board in its counter affidavit and the stand taken In the charge sheet.

3. Merely because the answer of the question has been given without disclosing the steps through which a candidate has reached that answer, an inference of use of unfair means cannot be drawn. In fact there is no charge of use of unfair means and the only charge, as mentioned above, is that the steps through which the final answer has been given, has not been disclosed by the Petitioner. That cannot be a ground for cancelling the examination or withholding the result of the concerned candidate. Similarly regarding the other charge, there is no allegation of use of unfair means against the Petitioner. If there is a mistake in the calculation or there is discrepancy in the answer, it is open to reduce the mark or not to award any mark depending upon the mistake/discrepancy or contradiction, as the case may be; but that cannot be a ground for cancelling or withholding the result.

4. Writ petition is allowed with costs. The Board is directed to declare the Petitioner's result of High School Examination, 1991 forthwith. In case the Petitioner wants to appear at the Intermediate Examination, it will be open to him to submit his form for Intermediate Examination within six weeks from today and if such a form is submitted, the Board shall accept it even if the last date for submission of such forma has expired.