

(2002) 09 AHC CK 0149

Allahabad High Court

Case No: C.M.W.P. No. 40543 of 2002

Manikeshwar Sharma and
Others

APPELLANT

Vs

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

RESPONDENT

Date of Decision: Sept. 30, 2002

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2002) 5 AWC 3985

Hon'ble Judges: S.P. Mehrotra, J

Bench: Single Bench

Advocate: S.P. Pandey and S.K. Mishra, for the Appellant;

Final Decision: Disposed Of

Judgement

S.P. Mehrotra, J.

This writ petition has been filed by the Petitioners under Article 226 of the Constitution of India, praying for the following reliefs:

A. to issue a writ, order or direction in the nature of mandamus commanding the opposite parties to declare result of the Petitioners' Intermediate Examination, 2002 and to issue mark-sheet and certificate to the Petitioners within some stipulated period as this Hon"ble Court may deem fit and proper.

B. to issue any other writ, order or direction as this Hon"ble Court may deem fit and proper.

C. to award cost of this petition.

2. It is inter alia, alleged by the Petitioners that the Petitioners were regular students of High School and passed their High School Examination in the year 2000 ; and that

the Petitioners got their admission in class XI as regular students in the Session 2000-2001 ; and that the Petitioners appeared in the examination of class XI in the year 2001 as regular students ; and that the Petitioners passed class XI examination ; and that due to unavoidable circumstances, the Petitioners could not continue their studies in class XII as regular students, hence, they submitted their examination forms for class XII examination as private candidates from the colleges, the details thereof has been given in paragraph No. 4 of the writ petition.

3. It is inter alia, alleged by the Petitioners that examination forms of the Petitioners were thoroughly checked up and scrutinized by the Principal of the colleges concerned and thereafter, forms of the Petitioners were forwarded to the Secretary of the Board of High School and Intermediate Education, U.P. ; and that the authorities of the said Board made necessary scrutiny and accepted the examination forms of the Petitioners, and consequently, the Petitioners were allotted roll numbers and were issued admission cards for the Board's Intermediate Examination, 2002 ; and that the Petitioners were permitted to appear in the Board's Examination ; and that the Petitioners completed their Intermediate Examination, 2002.

4. It is, inter alia, further alleged by the Petitioners that the result of the Intermediate Examination of the Board was declared on 14.6.2002 but the Petitioners' results were not declared ; and that the Petitioners enquired from the college concerned on 15.6.2002, and that they were informed that their candidatures had been cancelled by the Board with a direction that the Petitioners should not be permitted to appear in the examination ; and that till date decision so taken by the Board has not been communicated to the Petitioners.

5. In the circumstances, the Petitioners have filed this writ petition seeking the reliefs quoted above.

6. I have heard learned Counsel for the Petitioners and learned standing counsel appearing for the Respondents.

7. Learned Counsel for the Petitioners submits that the controversy in the present writ petition is similar to the one involved in the Civil Misc. Writ Petition No. 11022 of 2002, which has been decided by the learned single Judge of this Court vide judgment and order dated 3.9.2002. In the circumstances, it is submitted by the learned Counsel for the Petitioners, the Petitioners are entitled to similar reliefs as were granted by this Court in the said judgment dated 3.9.2002, in the said Civil Misc. Writ Petition No. 11022 of 2002.

8. Learned standing counsel fairly does not dispute that the facts of the present case are similar to those of the aforesaid Civil Misc. Writ Petition No. 11022 of 2002.

9. Having heard learned Counsel for the parties, I am of the opinion that as the facts of the present case are similar to those of the aforesaid Civil Misc. Writ Petition No.

11022 of 2002, this writ petition may also be disposed of in terms of the same directions as were given by this Court in the said judgment dated 3.9.2002, passed in the said Civil Misc. Writ Petition No. 11022 of 2002.

10. In the said judgment dated 3.9.2002, it was, inter alia, directed as follows:

So far as the claim of the Petitioners in this petition is concerned and in similarly situated other petitions who have been already permitted to appear in the examination, by the Respondents themselves, may be on account of paucity of time on their part, examining the individual case as has been submitted by the learned standing counsel, cancellation of their result, at this stage, this Court feels will not be in the ends of justice. As this Court in the interim order granted has made it clear that non-registered candidates should not be permitted and it is on account of the permission so given by the Respondents they have appeared and, therefore, it appears to be just and proper to give a direction to declare the result within a period of two weeks from the date of receipt of certified copy of this order.

It is made clear that so far this direction of declaring the result of the students who appeared in their respective examination as a private candidate will remain confined only for the session 2002 is concerned and no body shall be entitled to claim any parity on this ground for the next session.

In view of the aforesaid direction, this petition stands allowed/disposed of and the impugned action of the Respondents stands quashed.

11. In view of the aforesaid discussion, this writ petition is disposed of with the direction that the Respondents will declare the result of the Petitioners expeditiously, preferably within a period of three weeks from the date of filing of a certified copy of this order before the Respondents.