

(2007) 08 AHC CK 0216

Allahabad High Court

Case No: None

Kumari Prabhuta Mohan Sharma

APPELLANT

Vs

State of U.P., Technical
Education, U.P. Technical
University, Controller of
Examinations, U.P. Technical
University and I.I.M.T. College

RESPONDENT

Date of Decision: Aug. 14, 2007

Citation: (2007) 7 AWC 7477

Hon'ble Judges: Sunil Ambwani, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Sunil Ambwani, J.

Heard Shri Namit Srivastava for the petitioner. Shri Neeraj Tiwari appears for the U.P. Technical University.

2. The petitioner appeared in the entrance test conducted by U.P. Technical University, Lucknow and was admitted to IIMT College, Greater Noida, District Gautam Budh Nagar in B.Tec. Course as a regular student. She appeared in the first semester examination in December, 2006. She did not secure pass marks in three papers out of five in which she appeared. Her marks in Math 1st Physics and Electric (theory paper) were less than 30%. In the second semester held from 16th to 26th May, 2007 the petitioner did not succeed in Math-II in which she scored 14 and in Machines she got only 15 marks. She has thus failed in five papers in B.Tech. first year and has not qualified to be promoted to B.Tech. second year with carry over papers.

3. Learned Counsel for the petitioner contends that the petitioner was not well and appeared in the second semester examinations during her illness. The Math II examination was held on 16.5.2007. There was a mistake in the question No. 3

carrying of 25 marks. In many colleges in which the same paper was circulated the mistake was corrected in the examination hall itself during the course of examination. In IIMT, however, the mistake was not corrected and that the petitioner should be awarded 25 marks for the incorrect question, with which she will be permitted to be promoted to next year and allowed to appear in carry over papers.

4. Shri Neeraj Tiwari has taken instructions from the University and submits that in almost all the colleges incorrect question was corrected in the examination hall. However, since the correction could not be carried out in all the colleges the University adopted a policy that wherever the candidate has attempted the question he/she would be given average marks. Where, however, the candidate did not attempt the incorrect question, which was optional and attempted the other two questions, he/she was not given the average marks. In this case since the petitioner did not attempt the question, she was not awarded average marks and has scorer only 14 marks in Math II paper for which the examination was held on 16th May 2007. The petitioner has not cleared five papers in B.Tec. First year and will not be promoted with the facility of carry over papers.

5. There is no good reason to doubt the statement given by Shri Neeraj Tiwari. He has stated the facts after seeking instructions from the University. The petitioner has not stated in her pleading that she has attempted the incorrect question in Math II paper. She was as such not entitled to average marks. The ground of illness may be genuine, but will not entitle the petitioner to any relief from the Court. It is for such unforeseen reasons that the University has provided for the facility of carry over papers. However, where the student has failed in five papers, he/she is not entitled to the concession.

6. The writ petition claiming relief against the University and the college to permit the petitioner to appear in the back paper and to compensate her with the incorrect question of 25 marks is, accordingly, dismissed.