



School, Bhopal wherein the answerbooks were examined/checked by the examiner. But since the answerbook was not found, a committee was constituted by respondent No. 1 of its senior staff member to take appropriate action; whereon, a decision was taken to provide average marks in subject of mathematics to the petitioner.

It is urged that on the basis of the decision taken by committee mark sheet was issued to the petitioner showing him pass in mathematics by giving average marks. Though the petitioner disputes having received the mark sheet; however, as apparent from Annexure R1/1 that the original mark sheet has been sent to Principal, Government Girls Higher Secondary School, Beoharbag, the center from where the petitioner has appeared in the examination.

2 The matter would have ended here; however, a dispute is raised by the petitioner who insisted upon that he was wrongly declared as absent in the mathematics which was held on 27.5.2008. Much emphasis has been laid by the petitioner on the checklist issued to the petitioner filed as Annexure P4. However, when called upon to demonstrate from the said checklist regarding petitioner having appeared in mathematics paper of 27.5.2008, the petitioner whose Roll No. is 1202725213 except pointing out the placement of fraction 5213 in the checklist fails to establish that the checklist contain roll no 1202725213. The petitioner though in 4th column does point out that the series has started from 120272, however, when Annexure P4 is microscopically examined, it is found that figure 120272 is incurred whereas 5213 is a fraction of 72 and not of 120272 because 5213 is preceded by number 5198, 5136, 5132, 5123, 5128, 5046, 5043, 5042, 5029, 5013, 5012 and 5005.

In view whereof petitioner having failed to establish to have appeared in mathematics paper held on 25.7.2008 no presumption can be drawn in his favour.

Bethatasmay.Sincethepetitionerhasbeendeclaredpass by giving benefit of average marks, no further indulgence is warrantedinthematter.

Thepetitionisaccordinglydisposedof.Nocosts.

(SANJAYYADAV) JUDGE VivekTripathi

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