

Trishma Singh Vs. U.P. Intermediate Education Board, Allahabad and Another

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Court : Allahabad

Decided On : Mar-01-2001

Reported in : 2001(2)AWC1152; (2001)3UPLBEC2071

Judge : I.M. Quddusi, J.

Appeal No. : Writ Petition No. 1906 (M/S) of 2000

Appellant : Trishma Singh

Respondent : U.P. Intermediate Education Board, Allahabad and Another

Advocate for Def. : C.S.C.

Advocate for Pet/Ap. : H.G.S. Parihar, Adv.

Judgement :

1. I.M. Quddusi, J.--By means of this writ petition, the petitioner has prayed for issuing a writ of mandamus commanding the respondents to re-evaluate the answer-sheets of the petitioner.

2. In this petition, this Court passed following orders on 15.12.2000:

'In pursuance of this Court's order dated 24.11.2000, the U. P. Board of High School and Intermediate has sent the examiners who have re-evaluated the

answer books of the petitioner. The learned standing counsel apprised this Court that on re-evaluation, the petitioner has got more marks in the subjects in which re-evaluation has been made. The learned counsel for the petitioner on the basis of the result of re-evaluation of the answer books of the other subjects apprehends that the same position may be with the other subjects. He prays for re-evaluation of the marks in other subjects also.

Today, re-evaluation of the marks of the subjects of English, Sanskrit, Maths and Social Science has been made. On the basis of the result of re-evaluation, this Court directs that in similar manner, the marks of the petitioner in the subjects of Science and Hindi shall also be re-evaluated. For this purpose, the U. P. Board shall send examiners to re-evaluate the marks along with the answer-books of the above subjects. For this purpose, as the representative of the U. P. Board in the district is the D.I.O.S., he is directed to arrange the examiners and send them on the next date.

The examiners, namely; Sri Diwakar Tiwari. Sri Harish Chandra Shukla, Sri Krishna Chandra Gupta and Sri Ashutosh Dwivedi who are present today, shall be entitled to get their re-evaluation fee at the rate of Rs. 500 per answer-book which shall be paid to them by the petitioner.

List this case on 8.1.2001 on which date, the examiners shall be sent for re-evaluation of the answer-books of the aforesaid subjects. The marks given by the examiners on re-evaluation of the answer-books shall form part of the record of this case and necessary orders will be passed later on in this regard.'

3. The petition was taken up on 10.1.2001 and following order was passed :

'In compliance of the orders passed by this Court, examiners Sri Mohd. Naim Khan, Sri Jagdish Chandra Bajpai and Sri Anwar Ali are present who have examined the answer-books, which have been placed under the sealed cover. Put up this petition on 15.1.2001 before Hon'ble I. M. Quddusi. J. on the next date. There is no need for their appearance.

The petitioner has paid Rs. 500 to each examiner today.

The answer-books will be submitted to the Registrar of this Court who will keep it in the sealed cover.

Sd/. Hon'ble U. K. Dhaon, J.

10.1.2001'

4. Thereafter, this case was taken up on 6.2.2001 and following order was passed :

'Mrs. Sahiba Siddiqui., examiner from English medium who is teacher in Mahanagar Boys' School, Lucknow was deputed by the D.I.O.S.. Lucknow to re-evaluate the answer-books of the petitioner of Social Science subject of High School (Roll No. 0947196). Before directing her to re-evaluate the said answer-book, she was directed by this Court to look into the answer-books and inform this Court as to whether-the marking made by the previous examiner who was from Hindi medium was correct or not? The petitioner appeared in the examination from English medium and has given her answers in English language. After perusing answer-books, she has stated that the marking of answers done by the previous examiner was not correct as the petitioner was liable to be scored more marks than awarded. In view of this, Ms. Siddiqui was directed to re-evaluate the answers of the concerned subject by making marking by black ink.

After marking was done by her, she has made the total of the marks awarded by her in each answer which came to 76 marks.

Put up on 26.2.2001 for hearing.'

5. On 26.2.2001, this case was taken up and orders were reserved.

6. I have heard learned counsel for the parties and have carefully gone through the documents available on record.

7. Learned counsel for the petitioner has placed reliance on the case of Vaibhau Pandey v. Board of High School and Intermediate Education, (1998) 2 UPLBEC 1501, in which this Court held as under :

'This writ petition is finally disposed of with the direction that respondent No. 2 Apar Sachiv, Madhyamik Shiksha Parishad shall himself check the answer-book of the petitioner in Hindi Illrd paper of High School Examination. 1998 within a period of one month from the date a certified copy of this order is produced before him. On the date on which the answer-book of the petitioner is being looked orexamined by respondent No. 2, the petitioner's guardian may also remain present. If any discrepancy is found in the answer book, it shall be corrected. The roll number which had been allotted to the petitioner is 1064476.'

8. He has also placed reliance on the case of Mobeen Ahmad Ansari v. State of U. P., 1999 (17) LCD 154, in which this Court had shown anguish on the functioning of the U. P. Board in the following words ;

'It is a matter of greatconcern that in the recent year,considerable influx of such writpetitions in this Court hasincreased. Earlier, the Board ofHigh School and IntermediateEducation had inspired so muchconfidence that seldom writpetitions were filed. Filing of writpetitions on such a larger scalebefore this Court indicates thatthere is considerable dissatisfaction among thestudents and their parents, whichrequires introspection by theboard authorities as well.Although, this Court seldominterferes in the revaluation of themarks. The board also does nothave any rule for revaluation ofthe marks, but with a view to havegreater accountability andtransparency, there is need forframing some certain rules torectify the error, mistakes ordefective calculation of marks.'

9. In the instant matter, re-evaluation has already been done under the orders passed by this Court ; therefore, this writ petition is liable to be disposed of finally.

10. Accordingly, in order to avoid discrepancy in evaluation of marks to the students in future examinations, this writ petition is disposed of finally with the following directions :

(1) The Secretary. U. P. Intermediate Education Board, Allahabad shall now declare the result of the petitioner in accordance with the marks obtained by the petitioner after re-evaluationand shall issue marks-sheet and certificate accordingly to the petitioner.

(2) In future, the U. P. High School and Intermediate Education Board should circulate model answers of the questions asked in different question papers for the purpose of evaluating the answer-books by the examiners.

(3) The board authorities aforesaid should separate the candidates of Hindi medium and English medium and no answer-book of the candidates of English medium should be allowed to be evaluated by the examiners engaged for evaluation of answer-books of Hindi medium.

(4) Thus, to evaluate the answer-books of Hindi and English medium, separate examiners should be engaged/deputed.

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