

**Km. Mehraj Khan Vs. Madhyamik Shiksha Parishad and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/482561](http://sooperkanoon.com/482561)

**Court :** Allahabad

**Decided On :** Feb-19-2009

**Reported in :** AIR2010All1; 2009(3)AWC3114

**Judge :** Rakesh Tiwari, J.

**Appellant :** Km. Mehraj Khan

**Respondent :** Madhyamik Shiksha Parishad and ors.

**Disposition :** Petition dismissed

**Judgement :**

ORDER

Rakesh Tiwari, J.

1. Heard learned Counsel for the parties and perused the record.
2. The petitioner claims to be a meritorious student and she had obtained 57% marks in High School Examination, 2008. She has moved an application under the Right to Information Act for providing photocopy of answer copies to her.
3. The grievance of the petitioner is that she has not been provided photocopy of answer copies of her High School Examination as requested by her vide application dated 27.6.2008 (Annexure-3 to the writ petition). She also requested to provide information in respect of her marks obtained by her in the subjects of Hindi, Maths, English, Science, Social Science and Arts in which she had appeared in 2008, hence this writ petition. This information regarding marks obtained by her was sought by the petitioner vide application dated 11.11.2008 appended as Annexure-4 to the writ petition.
4. The learned standing counsel submits that the answer copies of the Board Examinations are weeded out after 6 months of the declaration of the result and that since the petitioner had not applied for scrutiny within the time prescribed, her copies have been weeded out.
5. Admittedly, right of a person under the Right to Information Act cannot be protected beyond the provisions of law. The petitioner can only seek information or may be provided copies of the documents which are permissible to be provided under the law or have not been weeded out as in the present case. The photocopy of the answer copies of the Board Examinations cannot be provided under the said Act for it would open a way for the students for self assessment which is not for him in view of judgment rendered in Maharashtra State Board of Secondary and Higher Secondary Education and Anr. v. Faritosh Bhupesh Kurmarsheth etc. : AIR 1984 SC 1543. The assessment of a candidate by an examiner is comparative and cannot be permitted to open for individual self assessment by the candidate himself. Moreover, the petitioner has not applied for scrutiny of the answer copies.

6. Furthermore, the application dated 11.11.2008 appears to be bogus as the marks obtained by her were available to her from the marksheet issued by the Board, copy of which is appended as Annexure-2 to the writ petition.

7. For all the reasons stated above, the petitioner cannot be granted relief as prayed for by him.

The writ petition is dismissed. No order as to costs.

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