

Aditya Dev Singh Vs. Registrar, Chhatrapati Sahuji Maharaj University

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Court : Allahabad

Decided On : Apr-04-2005

Reported in : 2005(2)ESC1434a

Judge : Janardan Sahai, J.

Appeal No. : C.M.W.P. No. 52889 of 2004

Appellant : Aditya Dev Singh

Respondent : Registrar, Chhatrapati Sahuji Maharaj University

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Pratap Narain Gangwar, Adv.

Judgement :

Janardan Sahai, J.

1. The petitioner appeared in B.A. III examination of the Chhatrapati Sahuji Maharaj University, Kanpur, 2004. The grievance of the petitioner is about the marks awarded to him in Sociology Papers I, II and III and Ancient History I, II and III papers. The answer books were produced by Sri Neeraj Tewari counsel for the University and they were also perused by counsel for the petitioner. It is common ground between the counsel for the petitioner and Sri Neeraj Tewari counsel for the University that Sociology II and III papers consisted of three Sections A, B and

C and in Section B there were 15 questions each carrying two marks but the examiner has not awarded separate marks in each of the 15 questions but has awarded consolidated marks at the end of the questions. The evaluation therefore made is not proper.

2. As regards Ancient History Papers I and II, the grievance is similar. Section B in these two papers also consists of 15 questions each carrying two marks but it is common ground between the counsel that the examiner has not awarded separate marks in each of the questions but has awarded consolidated marks at the end of the questions. Counsel for the petitioner submitted that the evaluation appears to have been made without application of mind and the entire answer book of the petitioner in respect of these subjects be re-examined. I find that there is some force in this contention.

3. As regards Sociology I the grievance of the petitioner is that less marks have been awarded to the petitioner. It is common ground between counsel for the petitioner and Sri Neeraj Tewari counsel for the University that marks have been awarded to all the questions answered by the petitioner and the totaling is also correct. As to what marks should be awarded to a candidate is at the discretion of the examiner who is the best judge. Therefore no interference is called for in Sociology I paper.

4. As regards Ancient History III paper the contention of petitioner's counsel is that Section B consists of 15 questions but the petitioner has not been awarded separate marks in each of the questions. It has not been shown that each of the said questions carried separate marks in the question paper. This is in contrast to the Ancient History I and II papers and Sociology II and III in which the question paper itself indicates separate marks for each question of Section B, Therefore it was in the discretion of the examiner to award consolidated marks at the end of the questions in Section B Ancient History III.

5. In the result the writ petition is allowed in part. The answer books of the petitioner in Sociology II and III and Ancient History I and II will be got re-examined by the University and the revised marks will be communicated to the petitioner within three weeks from the date a certified copy of this order is produced before

the Registrar of the University.

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