

Moar Singh Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : Aug-24-2000

Reported in : AIR2001All58; (2000)3UPLBEC2621

Judge : A.K. Yog, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : Civil Misc. Writ Petn. No. 35374 of 2000

Appellant : Moar Singh

Respondent : State of U.P. and ors.

Advocate for Def. : S.C.A.K. Mehrotra, Adv.

Advocate for Pet/Ap. : Sunita Sharma, Adv.

Disposition : Petition allowed

Judgement :

ORDER

A.K. Yog, J.

1. This is a petition by Moar Singh, who had appeared in the Intermediate Examination-2000 conducted by U.P. Board and had applied for scrutiny after paying requisite fee within the time prescribed by the Board itself.

2. This petition was taken up on 16th August, 2000 and thereafter at the request of the learned counsel representing State and U. P. Board adjourned from time to time in order to enable the respondent-authorities to assist the Court in informing minimum possible time required for completing the entire work of scrutiny with regard to the High School and Intermediate Examination-2000 conducted by the Board.

3. Sri A.N. Verma, Additional Secretary, U.P. Board was present on the last date as well as he is present in Court today. On his instructions the learned Standing Counsel has made submissions and apprised the Court about magnitude of work to be undertaken by the Board while deciding the scrutiny applications with respect to aforesaid examinations.

4. A suggestion is being made that the Board shall complete entire scrutiny work' of the said examination and it shall declare and publish the results on or before October 31, 2000.

5. Heard learned counsel for the parties.

6. Learned counsel for the petitioner placed reliance on the case of Km. Sweta Agarwal v. Additional Secretary, Board of High School and Intermediate Education. U.P. 1999 (3) Education and Service Cases 2276 (Alld) wherein this Bench had occasion to consider the matter of delay in scrutiny by the Board.

7. This Court had directed U.P. Board last year after considering similar difficulties to complete the scrutiny work by 31st October, 1999, in the case of Sweta Agarwal (supra) the present Additional Secretary. Board (who also happened to be Secretary at the time of scrutiny of Board's examination, 1999) had informed the Court that regular scrutiny work is disrupted because of this Court issuing mandamus in individual writs and directing, the Board has to decide the cases of those individual petitioners out of turn. The grievance of the Board was that in order to comply with the High Court's orders in individual petitions their regular work is being dislocated, which ultimately precipitates the delay in completion of scrutiny work.

8. In the case of Sweta Agarwal (supra) referring to various decisions of this Court as well as that of Apex Court, it was observed that in matters like the present, every individual should not be required to rush to Court and in exercise of its extraordinary jurisdiction under Article 226, [Constitution of India](#), directed the Board to decide all cases of scrutiny together and declare the results simultaneously so that no candidate is placed in a better position only because he had rushed to the Court or otherwise disadvantage due to the fact that one failed to approach the Court. Consequently, Court issued a general writ of mandamus to command the concerned authorities (present Respondents) to decide all pending applications of scrutiny on or before October 31, 1999, to communicate the results to the concerned applicants in normal course as per prevailing practice and further to ensure to declare scrutiny result by publishing the same in two Daily Newspapers of Hindi and two Daily Newspapers of English, namely, 'Dainik Jagran'. 'Rashitriya Sahara', 'Hindustan Times' and Times of India' respectively and in case of their various editions the publication to be made in all the editions of the aforesaid newspapers, covering circulation in the entire State of Uttar Pradesh,

9. Facts of the present case are similar and this Court takes notice of the fact that the candidates are again running to the Court for obtaining relief so as to expedite the declaration of result of scrutiny and somehow by-pass others in the waiting irrespective of the one being late is submitting the scrutiny application.

10. No elaborate argument is required to assess agony of the examinees, in case of inordinate delay in completing the scrutiny work, inasmuch as the examinee shall lose benefit of 'scrutiny' even if the revised result in his favour unless it is declared promptly and at least before 'Admissions' are over. Otherwise also he must know, if his result remained same, so that he may apply for same examination of the next session.

11. The Board charges fees, it had to tender service so that it is meaningful to the candidate. Tale of woes, narrated by the official before this Court regarding paucity of funds, Racks, Hall (accommodation etc.) is of no avail or purpose to the candidate.

12. Sri A.K. Mehrotra, learned standing Counsel, submits that U.P. Board does not have proper facilities for storing copies. Evaluation Hall, generator in case of electricity failure, funds and other connected infrastructure so as to ensure the work of scrutiny to be completed promptly i.e. within 4 to 6 weeks.

13. Difficulties of the Board cannot be ignored or overlooked. For this purpose a general mandamus is being issued to the State of U.P. through Secretary, Madhyamik Shiksha, and Chief Secretary Government of U.P. to consider the proposal of the Board, if one is submitted with relevant facts, figures and documents for providing requisite facilities to hold 'proper' examinations as well as 'scrutiny' the same shall be considered giving top priority, as 'Education' cannot be ignored if we want to put the State in order. Results have to be declared within the desired time so that students and their parents are not harassed apart from burdening this Court compelling individual to file writ petitions.

14. Court, however, feels that U.P. Board has made no serious effort to improve the situation except repeating its difficulties in a stereotype form. Board was aware in advance this time of the decision of this Court. Hence it must declare the result by 30th September, 2000.

15. Accordingly, this petition is allowed. U.P. Board Respondent No. 2 is directed to complete entire work of scrutiny by 30th September, 2000 and to declare results, as indicated above, in accordance with law. If for some compelling reasons the Board requires more time it will approach this Court by filing an application in this petition for extension of time but it is made clear that in no case the time will not be extended beyond 31st October, 2000 as committed by itself.

16. It is further directed that a copy of this judgment be sent to Chief Secretary for information to ensure that adequate infrastructure is being provided to the Board for proper conductance of examination and its scrutiny work in future.

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