

Jitendra Kumar Vs. State of U.P. and anr.

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SooperKanoon Citation : sooperkanoon.com/493970

Court : Allahabad

Decided On : Jul-17-2006

Reported in : 2007(1)AWC225

Judge : Rakesh Tiwari, J.

Appellant : Jitendra Kumar

Respondent : State of U.P. and anr.

Judgement :

Rakesh Tiwari, J.

1. Heard learned Counsel for the parties and perused the record.
2. This writ petition has been filed praying for a writ of mandamus commanding respondent No. 2 to produce original answer books of the petitioner relating to Biology 1st and IInd Papers as well as Practical and Supplementary Examination of intermediate Examination, 2004 and for declaration of his result.
3. The petitioner appeared in the intermediate Examination. 2004 conducted by the Board of High School and Intermediate Education, U. P., Allahabad with General Hindi, English, Physics, Chemistry and Biology subjects. in the Biology 1st and IInd Papers he obtained only 14 and 13 marks and in Practical he obtained only 1 mark. The petitioner applied for Supplementary Examination in Biology

subject and deposited the requisite fee.

4. The contention of the learned Counsel for the petitioner is that nothing has been done by the respondents for declaration of his supplementary examination result.

5. The learned standing counsel has placed provisions of sub-clause 2 (g) of Regulation 20 of Chapter XII

6. The contention of the learned Counsel for the petitioners is that in the Supplementary Examination he appeared in Practical examination only of Biology subject in which he has passed and as such he should be declared as passed.

7. After hearing learned Counsel for the parties and on perusal of the Regulations, I am of the view that the petitioner should have appeared in Biology 1st and 2nd theory papers as well as Practical Examination in the Supplementary Examination all of which together comprise of Biology subject in the examination. Since he has appeared only in Practical examination and not in both the theory papers of the Supplementary Examination which is only a part of the whole subject, his result of Supplementary Examination has rightly not been declared having failed in the main as well as the Supplementary Examination in Biology subject.

8. However, in the circumstances of the case, even if the petitioner has failed in the Supplementary Examination in the subject he appeared, the respondents are duly bound to inform the petitioner about this fact. The respondents shall inform the petitioner about his Supplementary Examination within two weeks.

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