

# RAJASTHAN HIGH COURT

Suman Bishnoi

Vs.

Board of Secondary Education

Civil Writ Petition No. 3612 of 2000

(V.G. Palshikar, J.)

16.03.2001

## ORDER

**V.G. Palshikar, J.**

1. By this petition the petitioner has prayed that the respondent Board of Secondary Education, Ajmer, Rajasthan, be directed to allow the petitioner inspection of her answer sheets in subjects of English and Accountancy permitting her to note down whatever she feels relevant for the purpose of coming to the conclusion that she has been fairly dealt with. Such an omnibus prayer directed at destroying examination system is made by the petitioner under the pretext of saying loss of one year. The petitioner is a regular student going to the schools and appeared in the Senior Secondary Examination, 2000 conducted by the Board of Secondary Education, Ajmer, Rajasthan, the result of which was declared on 29-5-2000 and she was adjudged fail.

2. As provided by the Rules, she applied for verification of total or revivification of marks in the subjects of Accounts, English and Business Organization. The result of revivification was communication to her by letter dated 28-7-2000 by which she was informed that there is no change in the examination result of the petitioner.

3. Then on 21-8-2000, the petitioner went to Ajmer and claimed inspection of the answer papers in the subjects of Accountancy and English in which she was declared fail. She deposited the necessary amount prescribed under the Rules and, accordingly, she was granted inspection of the answer sheets for ten minutes. The petitioner has stated that the key of answers made available to the examiner was not made available

to the petitioner to enable her to check that the answer given is correct. The petitioner, thus, has the guts to say that she wants to decide as to whether her answer was correct or not and not the examiner. Fortunately, there is no provision in the Rules of the Education Board for granting such preposterous request yet the inspection was given for ten minutes as claimed by the petitioner. A scrutiny of the petition will demonstrate that the petitioner has devoted considerable time and energy in studying the manner in which the examination papers are to be examined by the examiners. I am sure had she given this time to studies, she would not have required to make this petition.

4. Reliance is placed on certain news paper cuttings for claiming that there were some irregularities in the matter of examination. Even if there are such irregularities, none have been pointed out in relation to the petitioner's papers. All that is claimed point by point is that the answers should have been valued for four marks instead of 11/2 as done by the examiner. This Court in effect is called upon to substitute its opinion or for that matter, the opinion of the petitioner in place of the one expressed by the examiner.

5. The respondent has denied all the allegations made by the petitioner by filing a proper reply. Along with the reply, it has also filed writing by the examiner stating that he has not committed any error in the valuation of the paper of the petitioner in relation to Accountancy. On the face of this communication and the fact that the petitioner herself has inspected the paper, there is no case made out by the petitioner for interference by this Court. The Court, in my opinion, should be loath to interfere in the educational matters or with the result of the examination, the conduct of which is the exclusive domain of the University or the Board, as the case may be. The extraordinary jurisdiction of the Court under Article 226 of the Constitution of India, cannot be misused to bestow success on a failure like the petitioner. It would have been better if the petitioner seeks for her studies than to a litigation of the kind she has commenced. I am certain that there is no need to exercise extraordinary jurisdiction of this Court under Article 226 of the Constitution of India in the present case. It is not a case where gross injustice is done to the petitioner. It is open to the petitioner to take the examination again and pass with flying colors after proper studies. No legal right of the petitioner is infringed. Whatever was possible in regard to revivification of the answer sheets and its inspection has already been done. Whether a particular answer to a particular question should get two marks or four marks, is in any opinion

unjustifiable. I, therefore, refuse to exercise the jurisdiction in such a case.

6. Reliance was placed on several decisions of the Supreme Court of India and this Court for contending that the petitioner has right to get the paper revaluated. No such right is spelt out from any of the decisions cited at the Bar. They do not cover the controversy involved in the case and I do not feel it necessary in the circumstances of the case and for the reasons for which, I have refused to exercise jurisdiction in this case to deal extensively with each citation. Suffice it to say that most of the cases do not cover the points involved in the present case. None of them lays down that revaluation is a matter of right. For the purpose of deciding this case, therefore, those citations are immaterial.

7. In the result, the petition fails and is dismissed with costs of Rs. 100/- (Rs. one hundred only).

Petition dismissed.