

GAHC010112092022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3944/2022

ADITYAJYOTI BHARADWAJ
S/O- ROBINDRA NATH SARMAH, K.B. ROAD, P.O. NORTH LAKHIMPUR, PS..
LAKHIMPUR, DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION (SECONDARY) DEPARTMENT,
ASSAM, DISPUR, GUWAHATI-781006.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM, CUM MEMBER BOARD
ASSAM, KAHILIPARA, GUWAHATI-19.

3:JOINT SECRETARY TO THE GOVT. OF ASSAM
SECONDARY EDUCATION DEPARTMENT
BAMUNIMAIDAM, GUWAHATI-21.

4:THE SECRETARY
ASSAM HIGHER SECONDARY EDUCATION COUNCIL
BAMUNIMAIDAN, GHY- 21

Advocate for the Petitioner : MR MINTU SAIKIA

Advocate for the Respondent : SC, EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

19-06-2023

Heard Mr. M. Saikia, learned counsel for the petitioner. Also heard Mr. S.M.T. Chistie, learned standing counsel, Secondary Education Department, for

respondent Nos. 1 and 2 and Mr. P.K. Roy, learned standing counsel, Assam Higher Secondary Education Council, for respondent No. 4.

The petitioner appeared in the Higher Secondary Examination in the year 2020. The results were declared on 25-06-2020 and he obtained 464 marks out of a total of 500 marks. The petitioner was not satisfied with the marks he obtained in Education, Sociology and Political Science. Accordingly, he approached the Assam Higher Secondary Education Council/respondent No. 4 for re-evaluation of the answer scripts of the concerned subjects. The petitioner also submitted RTI application for obtaining the answer scripts for Education, Sociology and Political Science which were supplied to the petitioner.

It is the case of the petitioner that with regard to Sociology paper, in Question No. 1, there were 12 questions, each carrying 1 (one) mark and the petitioner correctly answered 11 questions except question No. 1(c). However, he has been awarded only 10 marks.

Further in the Political Science paper, with regard to Question Nos. 13 and 14, he answered the questions correctly, but he has not been awarded proper marks.

It is also the case of the petitioner that in the Education paper in Question No. 1 having 12 questions carrying 1 (one) mark each, he answered 11 questions correctly, however, he has been awarded only 10 marks.

Being aggrieved, the petitioner is before this Court praying for a direction to the respondents to re-evaluate the marks given to the petitioner in Sociology, Political Science and Education papers.

The respondents have filed their counter affidavit. In the counter affidavit, it is stated by the respondents that there is no scope for re-evaluation of the answer scripts and, therefore, re-checking of the same has been done. Re-checking of answer script consists of re-totaling of marks awarded by the examiner and

assessment of answers left out un-evaluated by the examiner. However, in the instant case, while re-checking, it was found that the petitioner had been awarded the correct number of marks.

Further with regard to Question Nos. 13 and 14 in Political Science, the examiner awarded marks as per his judgment and satisfaction and the marks awarded by the examiner are considered to be genuine and proper.

It is, therefore, submitted that the respondents, particularly, the respondent No. 4 cannot re-evaluate the answer script except re-checking the answers.

I have perused the answer scripts, which are annexed to the writ petition.

With regard to the Education and Political Science papers, this Court finds that the petitioner has been awarded marks in terms of the prescription in the question paper.

With regard to awarding of marks in two questions, namely, Question Nos. 13 and 14 in Political Science, this Court is not in a position to assess as to whether the examiner has given the correct marks or not inasmuch as this Court does not have the expertise to express any opinion regarding the assessment given by the examiners, who are the experts in their respective subjects.

It is trite that Court's interference in the decision of the expert is very limited inasmuch as evaluation of two persons cannot be equal. In that view of the matter, I find no merit in the present writ petition and the same is accordingly dismissed.

JUDGE

Comparing Assistant