

Court No. - 10

Case :- WRIT - C No. - 19638 of 2023

Petitioner :- Suraj Tiwari

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Yogesh Tiwari

Counsel for Respondent :- C.S.C., Shesh Kumar Srivastava

Hon'ble Kshitij Shailendra, J.

1. Heard Shri Yogesh Tiwari, learned counsel for the petitioner and Shri Dev Kaushik, learned counsel holding brief of Shri Shesh Kumar Srivastava, learned counsel for respondent Nos. 2 and 3.

2. Affidavits have been exchanged between the parties. However, considering the fact that the petitioner was admittedly absent in the fourth paper of first Semester Examination of the concerned subject, but he was promoted in second and third Semester on account of Pandemic Covid-19 and has already passed fourth Semester Examination, the grievance remains only with respect to holding or non-holding of back paper concerning fourth paper of first Semester in the concerned subject.

3. Learned counsel for the University submits that the petitioner never approached the University with a prayer to appear in the fourth paper of the first Semester Examination. Although learned counsel for the University has come up with the stand that on account of petitioner's absence in the concerned paper, he could not obtain minimum qualifying marks and, therefore, result is withheld and certificates are withheld, however, the Court feels it appropriate that **Examination Controller should pass reasoned order** on the petitioner's request in the light of concerned Regulations/Ordinances/Guidelines/Statutes etc. within a period of **two months** from the date a certified copy of this order is produced before him along with fresh application.

4. The Court finds that Annexure No. 1 to the writ petition is the original marksheet of the petitioner, which appears to have been annexed inadvertently as per the learned counsel for the petitioner.

5. Office is directed to return the original marksheet of the petitioner to the learned counsel for the petitioner after retaining its photostat copy on record as soon as the learned counsel

approaches the office.

8. With the aforesaid observations and directions, the writ petition stands **disposed of**.

Order Date :- 17.11.2023

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