

Court No. - 10

Case :- WRIT - C No. - 34682 of 2023

Petitioner :- Rajani Kant Rai

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

Counsel for Petitioner :- Man Bahadur Singh, Ashish Pandey

Counsel for Respondent :- C.S.C., Avneesh Tripathi, Ran Vijay Singh

Hon'ble Kshitij Shailendra, J.

1. Heard Shri Man Bahadur Singh, learned counsel for the petitioner, learned Standing Counsel for the State respondent No. 1, Shri Ran Vijay Singh, learned counsel for respondent Nos. 2 and 3.
2. In view of nature of order proposed to be passed, it is not necessary to issue notice to respondent No. 4.
3. After conducting preliminary hearing on the previous date, following order was passed on 10.10.2023:

"1. Heard Shri Man Bahadur Singh, learned counsel for the petitioner and Shri Ran Vijay Singh, learned counsel for the respondent-University.

2. The grievance of the petitioner is that though mark-sheet based upon the improvement result has been issued to him in the year 2010 itself, the degree was not issued to the petitioner, when he demanded the same, the University is taking a stand that master chart maintained by the University does not reflect the result of improvement.

3. Learned counsel for the petitioner submits that non-correction of the master chart is an error on the part of the University and, therefore, denial to issue the degree on this ground is causing serious prejudice to the petitioner.

4. Learned counsel for the respondents shall obtain instructions in the aforesaid background of facts and based on record.

5. Put up this case as fresh on 09.11.2023.

6. When the case is listed next, the name of Shri Ran Vijay Singh (A/R1079/2012) be shown as counsel for the respondent-University."

4. Shri Ran Vijay Singh, learned counsel for the University has placed instructions dated 08.11.2023 furnished by the Examination Controller. The relevant extract of instructions reads as follows:

"याची रजनी कान्त राय बी०ए० तृतीय वर्ष 2010, अनुक्रमांक-353451, लालसर कृषक महाविद्यालय, टकटेऊया, रामपुर, मऊ का विवरण अभिलेख कक्ष में सम्प्रति उपलब्ध सारणीयन पंजिका क्रमांक-1024344676 के अनुसार समाजशास्त्र विषय के प्रथम प्रश्नपत्र एवं तृतीय प्रश्नपत्र को हरे रंग से गोला बनाकर हरे रंग से प्रथम प्रश्नपत्र में 51 (इक्यावन अंक), द्वितीय प्रश्नपत्र में मुख्य परीक्षा का 57 (सत्तावन) अंक एवं तृतीय प्रश्नपत्र में श्रेणीसुधार परीक्षा (A) अनुपस्थित अंकित होकर मुख्य परीक्षा का अंक 45 (पैंतालीस) अंक के योग 153 अंक अंकित है, हिन्दी विषय के सभी प्रश्नपत्रों का कुल योग अंक 170 अंक अंकित होकर कुल योग अंक के आगे योग 323 अंक अंकित है, पर्यावरण का अंक 46/100 अंकित होकर सकल योग 895/1800 (आठ सौ पंचानवे) अंक श्रेणीसुधार से अंकित होकर परीक्षाफल द्वितीय श्रेणी में उत्तीर्ण अंकित है। विश्वविद्यालय सारणीयन पंजिका में दर्ज अंको एवं श्रेणी के आधार पर याची को उपाधि प्रदान की जा सकती है।"

5. In view of the stand taken in the instructions that on the basis of marks of improvement examination and other category, the degree can be issued to the petitioner on the basis of category concerned, there is no necessity to invite counter affidavit from the University as the stand is clear.

6. The writ petition is, accordingly, **disposed of** directing the respondent-University to issue degree to the petitioner on the basis of records in terms of afore-quoted instructions, **by the end of January, 2024**, provided a certified copy of this order is produced before the University **in the month of December, 2023**.

7. The University shall satisfy itself to the requirements to be completed at the end of the petitioner during the course of issuance of degree.

Order Date :- 30.11.2023

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