

Court No. - 10

Case :- WRIT - C No. - 34849 of 2023

Petitioner :- Vinod Kumar Yadav

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Lal Bahadur Yadav

Counsel for Respondent :- CSC,Ran Vijay Singh

Hon'ble Kshitij Shailendra,J.

1. Heard Sri Lal Bahadur Yadav, learned counsel for the petitioner, learned Standing Counsel for the respondent no.1 and Sri Ran Vijay Singh, learned counsel for the respondents no.2, 3 and 4.

2. In view of the order proposed to be passed, it is not necessary to issue notice to the respondent no.5.

3. The grievance of the petitioner is that though sum of marks obtained by the petitioner in B.A. Part-I and Part-II was 628 pursuant to the result of improvement examinations, when the University issued final marks-sheet of B.A. Part-III, the said sum has been erroneously described as 626 and, therefore, the University has not included two (2) marks of improvement examinations in subject English in the total.

4. Sri Ran Vijay Singh, learned counsel has come up with the instructions that the concerned Committee has taken a decision that in the matters of error in mathematical calculation, the Committee shall consider only those cases which relate to the students who have passed the concerned examinations after 2010.

5. The instructions are taken on record.

6. Admittedly, the petitioner passed B.A. examinations in 2012 and, therefore, his case is covered by the decision of the University in so far as the consideration aspect is concerned.

7. The writ petition is, accordingly, **allowed**, issuing a writ of **mandamus** to the respondents no.3 and 4, jointly and severally to consider the petitioner's claim of correcting the marks-sheet and issue a fresh marks-sheet after incorporating the said correction based upon the analysis of record and by passing order according to law.

8. The decision shall be taken **before 15.01.2024**, provided a certified copy of this order is produced before the respondent no.3 **before 07.12.2023**.

Order Date :- 24.11.2023

AKShukla/-