

Court No. - 10

Case :- WRIT - C No. - 36910 of 2023

Petitioner :- Km. Lakshmi Yadav

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

Counsel for Petitioner :- Dinesh Yadav, Rajesh Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra, J.

1. Heard Sri Dinesh Yadav, learned counsel for the petitioner and the learned Standing Counsel for the State-respondents no.1, 2 and 3.

2. This petition has been filed mainly for the following relief:-

"(I) Issue a writ order or direction in the nature of mandamus commanding the respondents/ authority concerned specially the respondent No.2, and 3, to show the copy of D.El.Ed 2017 Ist Semester Back Paper April/ May 2022 Examination of Math paper, and the respondents shall also be directed to reevaluate the copy and provide the mark of reevaluation to the petitioner, thereof to declare the result of the petitioner with Roll number 18154906251, in accordance with law, within some stipulated time frame as fixed by this Hon'ble court.

(II) Issue a writ order or direction in the nature of Mandamus commanding the respondents/ authority concerned specially the respondent No.2, and 3, to provide fresh mark sheet after rechecking the copy of D.El.Ed 2017 Ist Semester Back Paper April/ May 2022 Examination of Math paper, with Roll number 18154906251, within some stipulated time frame as fixed by this Ho'ble court."

3. Learned counsel for the petitioner submits that till today the petitioner has not seen answer copies of the concerned papers and, therefore, this Court may direct the respondents to produce the same for the purposes of direction for re-evaluation.

4. Learned Standing Counsel submits that as per the settled proposition of law before approaching this Court, the candidate concerned has a right to file an application under the Right to Information Act, 2005 for making available the answer books of the requisite paper(s) and, therefore, the prayer made by the petitioner cannot be granted. Learned Standing Counsel has placed reliance upon the decision of Supreme Court in the case of **Central Board of Secondary Education and another vs. Aditya Bandopadhyay and others, reported in 2011(8) SCC 497.**

5. The writ petition is, accordingly, **disposed of** permitting the petitioner to apply for issuance of copies of answer book(s) in the concerned subjects. In case, such an application is filed by the petitioner, before the concerned Authority after ensuring compliance of the provisions of the Right to Information Act, 2005 and deposit of requisite amount through Postal Order, the Authorities shall issue requisite copies of answer book(s) of the concerned papers within a period of **one month**.

Order Date :- 2.11.2023

AKShukla/-