

Court No. - 10

Case :- WRIT - C No. - 36815 of 2023

Petitioner :- Vivek Singh

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Mohammad Khalid

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Mohammad Khalid, learned counsel for the petitioner and Shri R.P. Tiwari, learned Standing Counsel for the State-respondents.

2. The petitioner has prayed for a writ of Mandamus commanding the respondent No. 2 to produce original answer-sheets of subjects of English, Physics and Mathematics of the petitioner of Intermediate Examination for the Session 2023 before this Court and reevaluate the answer-sheets of the aforesaid subjects.

3. Learned Standing Counsel submits that no direction can be issued for producing answer-sheets before this Court in view of the judgment 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. The petitioner has a remedy to apply for answer-sheets of the aforesaid subjects under the Right to Information Act, 2005. He further submits that even under that procedure, there is time line fixed under the Government Order dated 18.08.2023.

4. In view of above, the petitioner may apply under the Right to Information Act, 2005 and if answer sheets have not been weeded out as per the Government Order dated 18.08.2023, the same shall be furnished upon the petitioner.

5. The writ petition stands **disposed of**.

Order Date :- 9.11.2023

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