

Court No. - 10

Case :- WRIT - C No. - 37495 of 2023

Petitioner :- Ayush Singh

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

Counsel for Petitioner :- Prakhar Prakash Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Prakhar Prakash Srivastava, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

2. The petitioner appeared in the Intermediate Examinations conducted by the U.P. Board and has a grievance that despite the fact that he inspected the answer book of subject Physics, his marks have been incorrectly awarded and correct marks are not being incorporated on the concerned marksheet. It appears that the petitioner is aggrieved by the evaluation or calculation in the answer book.

3. Admittedly, the petitioner has not yet received any photostat copy of answer book pertaining to subject Physics.

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 :- 31.10.2023

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