

Court No. - 10

Case :- WRIT - C No. - 40350 of 2023

Petitioner :- Maneesh Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sanjay Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Sanjay Kumar Shukla, learned counsel for the petitioner and learned Standing Counsel for all the respondents.
2. The grievance of the writ petitioner is that he has been awarded lessor marks in certain papers and a Writ of Mandamus has been sought for the purposes of scrutinizing his answer books of subjects Physics and Chemistry with a further prayer to decide the application filed by the petitioner under the Right to Information Act, 2005.
3. In view of the judgement of Apex Court in the case of **Central Board of Secondary Education And Another v. Aditya Bandopadhyay And Others, (2011) 8 SCC 497**, the petitioner has a right to obtain copy of answer book if it has not been weeded out as per Government Order.
4. Insofar as the Mandamus for deciding the application under the Right to Information Act 2005 is concerned, no such Writ can be issued as the said Act is a self-contained Code in which three fora have been provided, one after another, in case, requisite information/documents are not furnished.
5. This Court in Writ Jurisdiction cannot ignore the statutory fora created under the Parliamentary legislation.
6. Leaving all the available rights of the petitioner open after he obtains requisite answer books, this writ petition stands **disposed off**.

Order Date :- 7.12.2023

Jyotsana