

Court No. - 10

Case :- WRIT - C No. - 40764 of 2023

Petitioner :- Akash Kumar (Minor)

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Shyam Kishore Yadav, Kunwar Akhilendra Singh

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra, J.

1. Heard Shri Kunwar Akhilendra Singh, learned counsel for the petitioner and Shri R.P. Tiwari, learned Standing Counsel for the State-respondent No. 1 and 2.

2. This writ petition has been filed with the following relief:

"(i) Issue a writ, order or direction in the nature of Mandamus commanding the respondent No. 2 to produce the answer copies of Mathematics and Chemistry subject of Class XIIth Examination of 2023."

3. By placing reliance upon the judgment of Hon'ble Supreme Court in the case of ***Central Board of Secondary Education and another vs Aditya Bandopadhyay and others***, reported in 2011(8) SCC 497, learned Standing Counsel submits that the petitioner has a remedy to apply under the Right to Information Act, 2005. However, even under the said Act, copies can be furnished upon the petitioner only when the same have not yet been weeded out as per the Government Order dated 17.08.2023.

4. Leaving the petitioner's rights to apply under the Right to Information Act, 2005, the writ petition stands **disposed of** with the aforesaid observation.

Order Date :- 4.12.2023

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