

Court No. - 10

Case :- WRIT - C No. - 41996 of 2023

Petitioner :- Aditya Narayan Rai (Minor)

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Shantanu Srivastava, Surya Pratap Singh

Counsel for Respondent :- A.S.G.I., Dhananjay Awasthi, Rajesh Tripathi

Hon'ble Kshitij Shailendra, J.

1. Heard Sri Shantanu Srivastava, learned counsel for the petitioner and Shri Dhananjay Awasthi, learned counsel for the respondent nos.2 and 3.

2. This writ petition has been filed seeking writ of mandamus commanding the respondent no.3 to re-check/re-evaluate the original answer book of science subject with the Question Paper Code:31/1/3 of secondary examination (Class X) 2023 conducted by the Central Board of Secondary Education by an independent examiner/expert of the subject on the basis of the expected answer handbook in a transparent manner and award marks accordingly.

3. It is submitted by the learned counsel for the petitioner that the petitioner got lesser marks in comparison to his performance in science paper and therefore, he applied for re-evaluation of his answer copy.

4. Learned counsel for the petitioner admits that after re-evaluation, marks of the petitioner have been increased by 12. While referring to the answer copy annexed as annexure no.6 to the writ petition, learned counsel has argued that a different set of question paper was given to him and the marking has been done on the basis of a different set of question paper. He has also argued that certain manipulations have been done by the respondents in the answer copy.

5. Sri Dhananjay Awasthi, learned counsel for the respondents submits that re-evaluated answer copy cannot be supplied to the petitioner. He further submits that once experts have already carried out the exercise of re-evaluation and marks of the petitioner have been increased, this writ petition should not be entertained as it would be an endless process of re-evaluation, which is not permissible under law.

6. Having heard the learned counsel for the parties and following

the ratio laid down by the Apex Court in the case of ***Dr. B.R. Ambedkar University, Agra Vs. Devarsh Nath Gupta, reported in 2023 Live Law (SC) 131***, in which the Hon'ble Apex Court has elaborately discussed the scope of exercise of jurisdiction under Article 226 of the Constitution of India by making reference to various previous authorities, there being disputed questions of fact involved in the present case, which the Writ Court is not competent to examine, no direction for re-evaluating the answer-sheet can be issued.

7. The writ petition has no merit and it is accordingly **dismissed**.

Order Date :- 6.12.2023

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