

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No. 19317 of 2014 (O&M)

Date of decision:-01.02.2016

Manjot Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Anil Kumar Garg, Advocate,
for the petitioner.

Mr. B.M. Vinayak, D.A.G., Punjab

Mr. Puneet Sharma, Advocate,
for respondent No.3.

RAJESH BINDAL, J.

From time immemorial, in our culture, the teacher has been the most respected person. He has been assigned pedestal even above Almighty God, which is evident from the following verses:

*“Gurur brahma Gurur vishnu Gurur devo
maheshwara Guru sakshat parabrahma tasmai shri
gurave namaha akhandam mandalakaram vyaptam
yena characharam tat padam darshitam yena
tasmai shri gurave namaha*

When translated in English it means:

Guru is Brahma. Guru is Vishnu. Guru is Shiva. The true Guru is the Highest, formless God. I prostrate before the holy Guru. The unbounded is the endless canopy of the sky, the omnipresent in all creation both animate and inanimate. I bow to Shri Guru who reveals to us the ultimate reality.

The famous saint Kabir in the 15th Century eulogised the teacher in the following couplet:

*Guru Govind dou khade, kaake laagoon paye Balihari
guru aapki, Govind diyo milaye.*

When translated in English it means:

I face both God and my guru. Whom should I bow to first?

I first bow to my guru because he's the one who showed me the path to God.”

Case in hand is unique example of casualness on the part of the Punjab School Education Board (for short 'the Board') and the examiners appointed by it to evaluate the answer sheets of student of class 10th.

The petitioner approached this Court with a grievance that she had been a meritorious student throughout her career. In all the subjects except Hindi, she got either 'A' or 'A+' grade, however, in Hindi she was awarded grade 'C' securing 58 marks out of 100 marks. After notice in the petition was issued, the Board revised the result of the petitioner awarding her 93 marks as against 58 in Hindi and the revised detailed marks sheet was supplied to the petitioner.

The award of higher marks in the revised marks sheet was sought to be justified stating that average of marks obtained by the petitioner in all other papers was taken as basis, however, in support thereof no rules or instructions were cited. He further submitted that answer sheet was got re-evaluated and the petitioner has got 65 marks as against 29 earlier awarded. It shows casualness on the part of the Board. The procedure which should have been followed by the Board at the first instance was followed only after this Court directed the counsel for the Board to produce the answer sheet in Court.

On 05.11.2015, noticing that a revised detailed marks

card had been supplied to the petitioner, this Court observed that responsibility for tampering with the answer sheet had to be fixed. In response thereto, affidavit dated 23.12.2015 was filed by J.R Mehrook, Joint Secretary (General), Punjab School Education Board, stating therein that the responsibility has been fixed upon Manju Bala, Sub-Examiner and Badal Rai, Chief-Examiner and they have been debarred from any remunerative work of the Board permanently. On 19.01.2016, this Court directed the counsel for the Board to produce the answer sheet of the petitioner of Hindi paper in original in Court. The same was produced, however, before that the Board got the answer sheet re-evaluated, as a result of which the petitioner got 65 marks as against 29 earlier awarded.

A perusal of the original answer sheet produced by the learned counsel for the Board in Court shows that initially the petitioner had been awarded marks evaluating the answers, however, later on those were tampered with by awarding either 0 (zero) or lesser marks. Even in the opening sheet of the answer sheet, there was tampering. Apparently, the tampering is at the stage when the mark sheet was evaluated as the total marks awarded to the petitioner have been shown as 29. As per the procedure, after the answer sheet is examined by the first examiner, it is re-checked by the second examiner. Learned counsel for the Board sought to explain that re-checking is sample checking of a certain percentage of total answer sheets, however, the fact remains that the present answer sheet has been signed by the second examiner that raises a presumption that he had re-examined the same but apparently with closed eyes, as a result of which both the examiner and the re-

examiner had played with the career of a student, compelling her to approach this Court in unavoidable litigation.

No doubt in the affidavit of J.R Mehrok, Joint Secretary (General), Punjab School Education Board, it has been stated that the examiner and the re-examiner have been debarred from any remunerative assignment of the Board in future, however, that may not be sufficient. For the present, this Court is not opining on that issue, however, the fact remains that the petitioner who has been harassed deserves to be compensated. The Board is directed to pay ₹ 50,000/- by way of bank draft as cost to the petitioner along with revised marks sheet within one week from today. The Board will be at liberty to recover the amount from the examiner, re-examiner or any other person held guilty for the same, who have tried to play with the career of a student, after affording due opportunity of hearing.

The petition stands disposed of.

01.02.2016

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**(RAJESH BINDAL)
JUDGE**

(Refer to Reporter)