

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 2618 of 2015 (O&M)
Date of decision: 23.2.2016

Ankit Kumar

.. Petitioner

v.

Central Board of Secondary Education and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Jainainder Saini, Advocate for the petitioner.
Mr. Harsh Aggarwal, Advocate for respondent No. 1.
Mr. Sant Lal Barwala, Advocate for respondents No. 2 to 4.

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Rajesh Bindal J.

The petitioner, who appeared in Central Teacher Eligibility Test (for short, 'CTET') in July, 2013 has filed the present petition seeking setting aside the result of the petitioner as "Unfair Means".

Learned counsel for the petitioner submitted that the petitioner appeared in CTET held on 28.7.2013. The result thereof was declared on 2.9.2013. The petitioner was surprised to find out that against his result, "Unfair Means" was mentioned. He referred to the DDR got registered by the School on the date of examination reporting to the police that answer sheet of roll No. 24005919 had been lost. Two days thereafter, on 30.7.2013, the school, where the test was conducted, reported that the answer sheet had been found. The same was sent to the Central Board of Secondary Education (for short, 'the Board'), however, it was not got evaluated and the result was declared as "Unfair Means". Referring to the letter written by the Principal of the School, where the test was conducted,

for registration of the FIR, he submitted that the facts stated therein are different than the DDR got registered and similar is the position in the communication dated 30.7.2013 from Centre Superintendent to the Board, vide which the answer sheet of the petitioner was sent, the same having been found in bushes near the school. Once the answer sheet had been found, the same should have been evaluated. The petitioner cannot be penalised for any irresponsible action on the part of the school, where the test was conducted.

On the other hand, learned counsel for the Board submitted that the test in question was objective type on OMR sheet. The petitioner, in fact, had snatched his sheet and removed the same outside the centre. In such a situation, the result of the petitioner was rightly cancelled with "Unfair Means". The present petition was filed by the petitioner about 1-1/2 years after the declaration of the result. In between there were three examinations in February, 2014, September, 2014 and February, 2015. The petitioner did not avail of the opportunity. He further referred to the communication from Invigilator in the room, where the petitioner had taken his examination. It was specifically mentioned therein that one of the candidates had snatched the answer sheets. It was thereafter that the matter was reported to the police.

Heard learned counsel for the parties and perused the paper book.

The facts, which are not in dispute are that the petitioner appeared in CTET held in July, 2013. His answer sheet was missing when the Invigilator collected the same. The Invigilator immediately reported the matter to the Centre Superintendent stating that when she was collecting the answer sheets of 18 candidates, one of the candidates snatched the collected answer sheets, though she tried to save, but finally one OMR sheet of roll No. 24005919 was found missing, which belonged to the petitioner. The Principal of the School immediately wrote a letter to the SHO concerned specifically mentioning the aforesaid facts and requested for appropriate action. On the basis thereof, DDR No. 30 was registered on 28.7.2013. After two days, on 30.7.2013, the Centre Superintendent sent the answer sheet of

the petitioner to the Board mentioning that on search, the peons of the school found the answer sheet in bushes. The matter was also reported to the police.

The contention of the petitioner that once the answer sheet was found, it should have been got evaluated, however, I do not find any merit in the submission made. It is clearly mentioned in the letter by the Invigilator to the Centre Superintendent that answer sheets were snatched by some candidate and on counting, one was found missing, which belonged to the petitioner. The difference in the version noted in the DDR and the report of the Invigilator does not come to the rescue of the petitioner for the reason that in the letter written by the Principal of the School to the police, same facts have been mentioned as were reported by the Invigilator. It was only in the DDR that complete facts have not been noticed. In OMR sheet, the answers are “Yes” or “No” or merely “tick-marked”. Once it is not disputed that the answer sheet of the petitioner had been removed out of the centre, there is no error in the decision of the authorities in cancelling the result. Presently, the petitioner cannot get any further relief as admittedly he has become over-age.

For the reasons mentioned above, I do not find any merit in the present petition. Accordingly, the same is dismissed.

(Rajesh Bindal)
Judge

23.2.2016
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