

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16165 of 2017

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Saroj Kumar, Son of Sri Dhanik Lal Mandal, Resident of Village- Dhananki, P.O.- Kariyour, P.S.- Laukahi, District- Madhubani, presently residing at C/o Krishna Prasad, Bansh Kothi, D.N. Das, Road, Bangali Akhara, Machhua toli, Patna, P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The Vice Chancellor, Nalanda Open University, 3rd Floor, Biscomaun Bhawan, Patna.
2. The Joint Voice Chancellor, Nalanda Open University, 3rd Floor, Biscomaun Bhawan, Patna.
3. The Registrar, Nalanda Open University, 3rd Floor, Biscomaun Bhawan, Patna.
4. The Examination Controller, Nalanda Open University, 3rd Floor, Biscomaun Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha
For the Respondent/s : Mr. Navin Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-12-2017 Heard learned Counsel for the petitioner and learned Counsel appearing on behalf of the University.

The petitioner seeks a direction to scrutinize the answer book of Physics Part-III, Paper-VIII, of B. Sc. (Physics Hons.) Examination, for which he had appeared in the year 2017, conducted by Nalanda Open University.

It appears that the petitioner had applied for scrutiny of the said answer book, pursuant to which the University has made available to the petitioner his answer book.

Learned Counsel appearing on behalf of the petitioner has



submitted that instead of supplying the answer book, the University ought to have scrutinized the marks allotted to the petitioner against different answers.

I do not find any fault with the action of the University in supplying the answer sheet on the request of the petitioner to scrutinize the said answer book. What is permissible in course of scrutiny of answer book is to ensure that marks have been awarded against the answers given by a candidate and totalling of the marks so allotted has been correctly done. What transpires on the basis of submission made on behalf of the petitioner in this case is that the petitioner, in fact, wants re-evaluation of the answer book since a plea has been taken that the petitioner has been given less marks against various answers than what he, in fact, deserved.

The dispute of such nature cannot be gone into in a proceeding under Article 226 of the Constitution of India.

This application has no merit and is, accordingly, dismissed.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J)

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