

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.28928 OF 2017

Date 31.08.2017

Between:

Naam Trishul Reddy.

... Petitioner

AND

Union of India rep. by its Secretary, Minister of HRD,
New Delhi and others.

.....Respondents



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.28928 of 2017

ORDER:

Heard the learned Counsel for the petitioner, Smt R.Pusapati Sundari, learned Counsel for respondent No.1; and Smt K.Chaya Devi, learned Counsel for respondent No.2.

The main relief and the interim relief being one and the same, the Writ Petition is being disposed of at the admission stage.

The narrow controversy, in the writ petition, is that the petitioner sought copy of the answer sheet to be furnished in connection with the supplementary examination written by him pursuant to notification dated 17.08.2017. There is no dispute that the rules provide for furnishing photocopy of evaluated answer sheet on payment of requisite fee of Rs.700/-. While furnishing photocopy of answer sheet, a condition was notified in the website that the candidate shall give an undertaking that he shall not approach the Court of law. The petitioner is aggrieved by the condition imposed as it affects his right to seek remedies available to him in law.

Smt A.Chaya Devi, learned Standing Counsel for respondent No.2, places reliance on the notice dated 29.05.2017, in particular, para 2(c) and (g).

Para 2(c) and (g) of notice dated 29.05.2017 reads as under:

c) Candidate applying for photocopy of the evaluated answer book will have to upload an undertaking as per the prescribed format available on the website and photocopy of his/her admit card. Candidate shall have to certify that the photocopy of the evaluated answer book shall not be given to any institution or school for display, commercial purpose or to print media by him/her or anyone on his/her behalf.

g) There will be no re-evaluation of any evaluated answer. However, if any answer has not been evaluated, the same would be reported by candidate to respective Regional Offices of CBSE not later than seven days of receipt of photocopy of answer book.

Notification dated 29.05.2017 has no application as, admittedly, the supplementary examination of the petitioner was pursuant to the notification dated 17.08.2017. Even assuming for argument sake, notification dated 29.05.2017 would apply, the conditions (c) and (g), by themselves, do not prohibit the petitioner from availing legal remedies.

In the circumstances, Writ Petition is allowed with a direction to respondents to furnish Xerox copy of the evaluated answer sheet, without insisting for any undertaking that he shall not approach Court of law, within a period of one week from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

CHALLA KODANDA RAM,J

Date:31.08.2017
Note:CC two days
bo
Usd









