

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**C.W.P No.22167 of 2017 (O&M)
Date of Decision : 27.09.2017**

Jagjeet Singh Ghotra and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sourabh Goel, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

This petition has been filed by two students who are pursuing the course of Diploma in Civil Engineering and have given their 6th and final semester exam.

The averments are that they are very good students who have passed their previous five semesters with flying colours and in fact have got very good marks in 6 out of the 7 subjects of the 6th semester also. However, they were declared failed in the 7th subject of Structural Drawing. Since they were of the firm opinion that their papers have not been checked carefully they applied for re-evaluation but even after re-evaluation necessary relief was not granted to them. The marks of the petitioner No.1 were increased by 2 while those of the petitioner No.2 were actually decreased by 2. It has further been pleaded that in this particular subject an unreasonably high number of students in the entire State have failed, barring 2 or 3 colleges where 100% have passed. The argument raised is that these

facts justify interference by the writ Court. It has further been pleaded that action was taken against the Registrar and Secretary of the respondent No.3- The Punjab State Board of Technical Education because there were allegations that they were accepting illegal gratification and then ensuring that failed students pass in re-evaluation. It is further alleged that the petitioners were shown their answer sheets in the presence of the Registrar, both the examiners and the teachers and there they had been able to convince the Registrar that in fact the papers had been wrongly marked.

In my opinion, these facts do not justify judicial interference. It is trite to say that while sitting in writ jurisdiction Courts do not act as Appellate Authority over the autonomy of the examining bodies. A long line of judgments from *Kanpur University through Vice Chancellor and others vs. Samir Gupta and others*, (1983) 4 Supreme Court Cases 309, which was decided in 1983 to *Sunil Kumar Singh and others vs. State of U.P. and others and other connected cases*, passed in Writ A No.28971 of 2016, decided on 09.12.2016 have held so. It is also trite to note that judicial review by the writ Court is essentially of the process and the writ Court is not well equipped to go into questions of fact. Looked at on the anvil of these principles, what has emerged is that in the present case the first examiner had failed the petitioners and thereafter the papers were sent for re-evaluation. At the stage of re-evaluation the second examiner was not disclosed the marks awarded by the first examiner thus ensuring that he made an independent assessment without being influenced by the action of his predecessor.

Learned counsel has not been able to point out any inherent

been given the benefit of the said process there would be no justification for interference only on the ground that many students have failed or that some officers have been suspended.

In the circumstances, I regret my inability to interfere.

Petition stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

27.09.2017

pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No