

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1590 of 2012**

Raj Kumar Sharma S/o late Shri Ganesh Prasad Sharma, aged about 42 years, occupation – Asstt. Grade 2, R/o near BTI, Kobiya, Bemetara, District Bemetara (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, School Education Department, D.K.S. Bhawan, Raipur (CG)
2. The Director, Treasury, Account Pension, Shankar Nagar, Raipur (CG)
3. Joint Director, Treasury, Account Pension, Shankar nagar, Raipur (CG)

---- Respondents

For Petitioner	:	Shri Vipin Tiwari, Advocate
For State	:	Shri R. K. Gupta, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.09.2018**

The challenge in the present writ petition is to the inaction on the part of the respondents in awarding marks in Accounts Training Examination which the petitioner had participated in the year 2011.

2. The petitioner is aggrieved of the order Annexure P-1 dated 13.03.2012 whereby his application for revaluation/retotaling of marks has been rejected on the ground that there is no such provision for revaluation under the rules and regulations. The petitioner has filed the present writ petition after obtaining necessary copies under the Right to Information Act.

3. From the record it reflects that the petitioner for the subject Accounts and Finance Regulations theory paper has been awarded only 34 marks. On obtaining answer sheet under RIT it has been reflected that for question No. 5 (a) and 5 (b) the petitioner has been awarded 3 & 5 marks respectively. From the record it also reflects that this 8 marks have not been added while doing the totaling part for the said subject. If 8 marks are added, the total marks which the petitioner would score is 42 and in that event, the petitioner would be declared successful in Accounts Training Examination and he would be entitled for further promotion which till date has been deprived to him.

4. The present writ petition was filed as early as in the year 2012 and till date 6 ½ years have passed but reply of the respondents has not come on record. The petitioner took the Court through the record particularly the information collected under RTI from which it seems to be a glaring mistake on the part of the respondents while filling up the form showing the total marks obtained in each question. In the absence of any reply in rebuttal, this court is left with only option to accept the contention put forth by the petitioner and the documents which have been brought on record.

5. The Supreme Court in the case of Priyanka Pandey vs. Secretary, Board of Secondary reported in AIR 2007 MP 235 has held as under:

“11. We have been apprised at the Bar that the teacher who had initially valued the answer she is a government teacher. A valuer has to be careful, circumspect and should not show slight attitude of callousness because the fate of a student is dependent on valuation. It is of relevance to state that when a young student appears in an examination, he expects that he shall be awarded appropriate marks and not be dealt with in a manner, to borrow a line from William Shakespeare, like a fly to the wanton boys, They cannot be left with the mercy of sheer irresponsible valuers.”

6. Since the error seems to be a glaring error, this Court intends to direct the authority concerned i.e. respondent no.2 to immediately process the case of the petitioner after calling for the original records and again doing the totaling part particularly keeping in view the glaring error which the petitioner has pointed out in the present writ petition. After scrutiny part is over, if the Authorities find the petitioner has been deprived of the said marks, necessary step be taken forthwith by the authority concerned preferably within a period of 90 days from the date of receipt of certified copy of this order.

7. With the aforesaid observation, the writ petition stands allowed and disposed of.

**Sd/-
P. Sam Koshy
Judge**