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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1832/2018

ANSHVEER SINGH

..... Petitioner

Through Mr.Parmanand, Adv. for the petitioner.
Petitioner alongwith his mother in
person.

versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondent

Through Mr.Anuj Aggarwal, ASG with
Ms.Deboshree Mukherjee, Adv for R-1,2 &3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **19.03.2018**

At the outset, learned counsel for the petitioner submits that he seeks discharge in the matter and he has already informed the petitioner, who is present in Court. Accordingly, the request of Mr.Parmanand, learned counsel seeking discharge is accepted. The petitioner, who is in-person alongwith his mother, submits that he does not wish to engage any other lawyer and has therefore, addressed the Court.

Vide the present petition, the petitioner, who was a student of Class XI in BSBV, East Vinod Nagar, Delhi had approached this Court seeking following reliefs:-

*“a. Set aside the inquiry report of the office of the Dy. Director of Education (East) Directorate of Education, Government of NCT (Vigilance Branch) dated 13.11.2017;
b. Direct the Respondent no.-1 to transfer the petitioner child from the present school to some other school to ensure*

that future of the petitioner child should not further be jeopardized;

c. Direct the Respondents to produce all the papers/documents relating to examination of Petitioner child available with them before this Hon'ble Court;

d. Initiate appropriate legal action against respondent No.- 2 to 5 for deliberate attempt to jeopardize further of petitioner child;

e. Impose exemplary cost on the petitioners for their act of cruelty on the child, the petitioner

f. Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

The petitioner submits that pursuant to order dated 01.03.2018 passed by this Court, he and his mother alongwith his counsel Shri Parmanand, were allowed to peruse his original corrected answer sheet of his Political Examination held in 2016 in the Office of the Deputy Director of Education (East) on 9th March, 2018.

The only submission made by the petitioner is that he should be admitted to Class XII and be treated as having passed Class XI, even though there is no denial to the fact that as per the inquiry conducted by the respondent no.1, the petitioner's answer-sheet had been checked by 4 different examiners who had given him 13 marks, 9 marks, 10 marks and 4 marks respectively out of the maximum marks of 100 and, thus, he was declared failed in the Political Science Exam in Class XI. I also find that though the petitioner had initially sought a prayer seeking his transfer to some other school, but he had

subsequently given up the said prayer and even today, the petitioner reiterates that he is not interested in his transfer to any other school and his only prayer is to treat him as having passed Class XI.

The petitioner also contends that grave prejudice has been caused to him, on account of the delay on the part of the respondents in conducting the enquiry, on his complaints pointing out that he had deliberately been granted very low marks in his Political Science Examination in Class-XI held in 2016. He, therefore, contends that at this belated stage, the petitioner should not be asked to once again take admission in Class-XI. He contends that on account of the delay on the part of respondents in conducting the enquiry, the petitioner ought not to be penalised and should therefore, be treated as having passed Class-XI and shall be given admission in Class-XII in some other school under respondent No.1.

Having perused the Enquiry Report of respondent no.1 as also the record, I find absolutely no merit in the present petition. In my considered view, the petitioner who had initially secured only 13 marks in his Political Science Exam of Class XI held in 2016, has been given a very fair treatment by the respondents, as the petitioner's answer-sheet has been re-evaluated by 3 more different examiners, who found the petitioner to be failing and in these circumstances, there is no reason to believe the bald allegation of the petitioner that he was deliberately given lesser marks by respondent No.4 or that the enquiry report dated 13.11.2017 was liable to be set aside. The petitioner, having failed to pass Political Science Exam of Class-XI, cannot be promoted to Class-XII. I, therefore, find no infirmity in the

action of the respondents in denying promotion to the petitioner from Class-XI to Class-XII.

The writ petition is accordingly dismissed with no order as to costs.

REKHA PALLI, J

MARCH 19, 2018

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