

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 724 of 2019**

Prakash Kashyap, S/o. Nilamber Kashyap, Aged About 18 Years, R/o. C/o Kashyap Super Bazar, Saraipali, District Mahasamund, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, School Education Department, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh Madhyamik Shiksha Mandal, Through The Deputy Secretary, Office At Raipur, District Raipur Chhattisgarh.
3. District Education Officer, Mahasamund, District Mahasamund Chhattisgarh.
4. Principal, St. Vincent Palotti School, Kutela, Saraipali, District Mahasamund Chhattisgarh.

---- Respondent

For Petitioner	:	Mr. Raghavendra Pradhan Advocate
For State/Respondents No.1 & 3	:	Mr. Rajesh Singh, Dy. G.A.
For Respondent No.2	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

17.05.2019

Heard.

1. By this petition, the petitioner is seeking a direction to the respondent authorities to give the benefit of the additional 5 marks, which he has secured in the revaluation of the mathematics subject and his whole marks was increased from 67 to 72.
2. Learned counsel for the respondent No.2 would submit that the marks according to the regulation can only be increased and the Regulation postulates that when average is taken out, out of two revaluation. It is stated after the revaluation and when the examinee secured average marks of more than 10% then the original marks is increased. He relies on the judgment passed by the Division Bench on 09.12.2013 in W.P.(C) No.1769

of 2013 and submits that the issue pertaining to Regulation is no more *res integra* and further submits that no relief can be granted to the petitioner.

3. Perused the order dated 09.12.2013 passed in W.P.(C) No.1769 of 2013 wherein Regulation on which average marks is required to be increased should be more than 10% of original marks. In this case, out of two revaluation conducted, in one revaluation the petitioner got 72 marks and in another revaluation, he got 73 marks. Since it was not over & above 10% in average from the original marks as per the Regulation, which is existing and is held intra-vires under the order passed in W.P.(C) No.1769 of 2013 no relief can be granted. Accordingly, the petition is dismissed.

Sd/-
Goutam Bhaduri
Judge