

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

**CWP-13712-2017 (O&M)
Date of Decision:02.07.2019**

Rashmi

... Petitioner

Versus

Maharishi Dayanand University, Rohtak & others

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rohit Rana, Advocate for the petitioner.

Mr. Amit Rao, Advocate for respondents No.1 to 3.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner seeks a mandamus directing the respondent/ Maharishi Dayanand University, Rohtak to correct/modify the result of the petitioner pertaining to B.Ed. Course, Session 2014-15 (Examination held in June, 2015). The entire case projected on behalf of the petitioner is that she has been wrongly shown to be absent in two subjects whereas from the attendance/signature sheet procured under the provisions of the Right to Information Act at Annexure P-7, petitioner is reflected to be present in the two examinations in question and despite such error being brought to the knowledge and notice of the University, the necessary correction has not been undertaken.

Counsel for the parties have been heard at length and the pleadings on record have been perused.

In pursuance to the order dated 23.01.2019 passed by this Court, learned counsel representing respondent/University has also made available for perusal of this Court the attendance register and Secrecy Memo

pertaining to the examination in question.

Concededly the petitioner took admission in the one year Bachelor of Education (B.Ed. Course) for the Session 2014-15 at K.C. College of Education, Ghanaur, Sonapat which stand affiliated with the Maharishi Dayanand University, Rohtak. The petitioner was issued college Roll No.483 and University Roll No.9577690 so as to facilitate her participation in the 9 papers for the B.Ed. Course slated in June, 2015.

As per petitioner, she had appeared in all the 9 papers but in the result that has been declared she has been marked absent in two papers i.e. Examination Code-1103 and 1104.

Case of the petitioner hinges upon the document obtained under the Right to Information Act at page 18 of the paper book and as per which against Examination Code-1103 and 1104, her signatures stand affixed.

Such state of affair has been clarified by counsel representing the University. Counsel has adverted to documents appended as Annexures R-1/2 and R-1/3 along with the reply placed on record to assert that against the Examination Code-1103 and 1104, the serial number of the answer book were also furnished in the information supplied under the RTI and the attendance register/Secrecy Memo reveal that these two answer books had not been assigned to the present petitioner but rather to one Rakhi and Renu. The matter further gets crystallized, as per Secrecy Memo dated 20.06.2015 which was also supplied to the petitioner under the RTI and is placed on record at pages 19 and 20 of the paper book wherein Roll number of the petitioner i.e. 9577690 finds a mention in the list of roll numbers of the absentees for both the papers i.e. Examination Code-1103 and 1104

which were both held on 20.06.2015.

Counsel representing the University has further explained that the original answer sheets could not be produced on account of a decision taken by the Executive Council in its meeting held on 03.10.2009 whereby an amendment to Clause 36 of the Ordinance- **“General Rules for Examination”** was carried out and as per which the examination answer books are to be destroyed/disposed of after four month from the date of declaration of the result.

It may also be noted that the petitioner has not alleged any malafides against the University/official so as to make out a case that she has been deliberately marked absent in the two papers carrying Subject Code 1103 and 1104.

In view of the above, the prayer advanced on behalf of the petitioner seeking modification/correction in the result for B.Ed. Examination for the session 2014-15 held in June, 2015 is found to be without merit.

Petition is dismissed.

02.07.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |