

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

Sr. No.244

CWP No.36635 of 2019

DATE OF DECISION: March 05, 2020

RIZWANA

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Khalid, Advocate, for the petitioner.

Mr. Harkesh Kumar, AAG, Haryana.

Mr. K.K. Gupta, Advocate, for respondent No.3.

SUDHIR MITTAL, J. (ORAL)

The petitioner was a student of Class-XII and she took the examination in March 2018. She secured a compartment in the subject of Biology as she could secure only 13 marks out of a maximum of 60 marks. Thereafter, she took the first re-appear examination in July, 2018 but managed to secure only 8 marks this time. The second re-appear chance was availed in March, 2019 in which she could get only 13 marks. A third mercy chance was provided in July, 2019. By then, the syllabus had been changed and on account of some error the answer-sheets of the petitioner and similarly situated students (total 12 in number) were mixed up with the answer-sheets of the students who were taking the examination after revision of the syllabus. Since the answers of the petitioner and similarly situated students were totally different from the answers of students appearing after revision of syllabus, 'zero' marks were awarded. This

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mistake was however detected by respondent No.3-Board itself and the question papers were re-evaluated. The petitioner secured 18 out of 60 marks. Thereafter, she applied for re-evaluation and she secured 17 out of 60 marks.

2. Learned counsel for the petitioner submits that after re-evaluation, the petitioner was awarded 07 marks in the first question of section A whereas prior to re-evaluation she had been given 04 marks. Thus, three additional marks should have been given to her. He further submits that the marks of the other answers were reduced in a mala fide manner.

3. Learned counsel for respondent No.3 submits that no mala fides are involved. The entire answer book was re-evaluated and the petitioner managed to secure only 17 marks. Thus, there is no error in the result of the petitioner.

4. On re-evaluation, the entire answer book has to be re-evaluated afresh. Thus, although the petitioner secured three additional marks in question No.1 of section A, the marks in other questions were reduced. Mere allegation of mala fide is not sufficient unless the allegation can be supported with some material. No other error has been pointed out.

5. Accordingly, the writ petition has no merit and is dismissed.

March 05, 2020

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No