

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 24472 of 2005

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Dated: 18.03.2006

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Between:

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B.Vinay Kumar S/o Chalapathi Rao,
R/o H.No. 15-1-39/1,
Seetharamnagar Colony, Bhadrachalam,
Khammam District.

... PETITIONER

And:

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The Board of Intermediate Education,
Andhra Pradesh, represented by its
Secretary, Nampally, Hyderabad and another.

...RESPONDENTS

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 24472 of 2005

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ORDER:

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This writ petition is filed by a student of Intermediate seeking a Writ of Mandamus declaring the action of the respondent-Board of Intermediate Education, in awarding zero marks in Mathematics Paper-II B as arbitrary and illegal.

The petitioner appeared for the Intermediate II Year examination and he has secured 47 marks out of 75 marks in Mathematics Paper II-A. Precisely, it is the case of the petitioner that though some of the steps for certain questions answered by him are correct, the same were not properly valued for awarding proper marks to the petitioner. It is his grievance that if the correct steps, which were written by him are taken into consideration, he is entitled for higher marks than awarded. Therefore, the action of the respondents in awarding zero marks to the petitioner is arbitrary and illegal.

On instructions, the learned Standing Counsel for the Board produced the answer scripts of the petitioner. A perusal of the answer scripts indicates that the answers for almost all the questions written by the petitioner are found to be wrong. In that view of the matter, the petitioner was given zero marks.

It is submitted by the learned Standing Counsel for the Board that as per the Regulations, three independent examiners were nominated to verify the answer scripts of the candidates, pursuant to their request for re-totalling, and they found that no error was committed in valuing the answer scripts.

However, it is submitted by the learned counsel for the petitioner that the petitioner was given a xerox copy of the answer script and it shows that certain steps answered by him for some questions are correct. In that view of the matter, the respondents ought to have given some marks.

Whether the petitioner is entitled to get any marks for a particular answer written by him or not, is a matter which is exclusively within the purview of the examiners, and in a writ petition filed under Article 226 of the Constitution of India, this Court cannot

enter that area. Particularly, in the absence of any provision for revaluation, it is not permissible for this Court to assess whether the marks awarded by the examiners are correct or not. In that view of the matter, I do not find any merit in this writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

18.03.2006

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