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IN THE HON'BLE HIGH COURT OF CHHATTISGARH

AT BILASPUR

SINGLE BENCH

WRIT PETITION (C) NO. 2055 /2012

PETITIONER

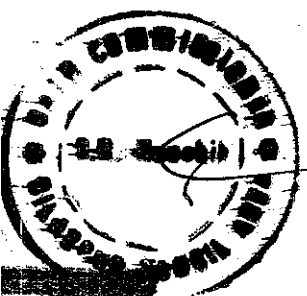
: Mexudhan S/o. Shri Damodhar Prasad Jaisawal, aged about : 19 years, R/o. Village : Judga, Police Station: Sakti, Tahsil : Sakti, District : Janjgir-Champa, (C.G.).

R No. 2055/12
Presented by Shri. G. V. D. Dewangan
Dated 26/11/12

VERSUS

RESPONDENT

Chhattisgarh Board of Secondary Education, Raipur : Through its Secretary, Pension Bada Raipur, District: Raipur (C.G.)



WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA .

Respectfully and



HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 2055 of 2012

PETITIONER : Mexudhan.

VERSUS

RESPONDENTS : Chhattisgarh Board of Secondary Education, Raipur.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri Govind Dewangan, Advocate for the petitioner.
Shri H.B.Agrawal, Senior Advocate with Shri J.K.Gupta
Advocate for the respondent.

ORDER

(Passed on 30th day of November, 2012)

1. With the consent of learned counsel appearing for the parties, the matter is heard finally.
2. By this petition, the petitioner seeks a direction to the respondent to consider/properly check the answer sheets of the petitioner.
3. Shri Dewangan, learned counsel appearing for the petitioner submits that the petitioner is a student of Class 12th (Science, Biology group). He appeared in the examination in the month of March, 2012. When the result was declared, he found that he secured 1st division with 70 marks in Hindi, 63 in English, 65 in Biology, out of 100, in each subject. The petitioner, being dissatisfied with the marks awarded to him, made an application for re-valuation of his answer sheets of Hindi, English and Biology paper. However, in revaluation, there was no change in the marks. The petitioner also obtained answer sheets of the respective subjects from the respondent-Board, wherein he found that proper numbers were not given against the answers to some of the questions. The petitioner is a meritorious student and was hopeful of securing more marks, however, due to fault of the respondent-



Board by not checking his answer sheets properly, he has been awarded less marks. Thus, this petition seeking a direction to the respondent to re-check the answer sheets of the petitioner and award the marks accordingly.

4. On the other hand, Shri Agrawal, learned Senior counsel appearing with Shri Gupta, learned Advocate for the respondent-Board submits that only in case where there is a change of marks by increase in more than 10% or above, then only the re-valued marksheet will be issued to the student. In case of the petitioner, there was no change of marks above 10% and the re-checking was done strictly in accordance with the rules by the experts.
5. On perusal of the documents and consideration of the submissions made by learned counsel appearing for parties, it appears that the petitioner has been properly awarded marks for the questions he has attempted. This is not for the court to substitute the decision of the examiners/valuers or the expert bodies particularly, in case of examination when it does not appear to be unreasonable or discriminatory.
6. In *Bihar Public Service Commission v. Kamini*¹, the Supreme Court observed as under:

“8. Again, it is well settled that in the field of education, a court of law cannot act as an expert.”
7. Looking from all angles, the petition is bereft of merit and is accordingly dismissed.

Sd/-
Satish K. Agnihotri
Judge

Amit