2025:AHC:190052

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 20427 of 2024

Santosh Kumari .....Petitioners(s)

Versus

State of U.P. and 3 others .....Respondents(s)

Counsel for Petitioners(s) : In Person
Counsel for Respondent(s) : C.S.C., Rohit Pandey

Court No. - 32

HON'BLE SAURABH SHYAM SHAMSHERY, J.

ORAL ORDER

1. Heard petitioner-in person, Sri Shishir Tiwari, learned Standing Counsel for State-Respondents and Ms. Shambhavi Tiwari, Advocate holding brief of Sri Rohit Pandey, learned counsel for Respondents-2 to 4.

2. Petitioner is an student of five years course of LLB from Chhatrapati Sahuji Maharaj University, Kanpur. She is a chronicle litigant. Between 2021 to 2022 she has filed atleast 10 petitions, including writ petitions, review petitions and special appeals. In present writ petition she has approached this Court that she may be given in LLB First Semester 499 marks, out of total 500 marks and she was wrongly awarded only 182 marks.

3. In writ petition she has claimed that she should be awarded 100 marks in all subjects. She has also made allegation of corruption against Respondent-University.

4. It is well settled that in educational matters where there are expert report or answer keys are checked by expert committee, the High Court should remain slow in interfering. A reference is taken from a judgment passed by Supreme Court in the case of Vikesh Kumar Gupta & Anr. vs. The State of Rajasthan and others, (Civil Appeal Nos.3649–3650 of 2020), decided on 07.12.2020 and relevant part of judgment is reproduced hereinafter:

> *"11. Though re-evaluation can be directed if rules permit, this Court has deprecated the practice of re- evaluation and scrutiny of the questions by the courts which lack expertise in academic matters. It is not permissible for the High Court to examine the question papers and answer sheets itself, particularly when the Commission has assessed the inter se merit of the candidates (Himachal Pradesh Public Service Commission v. Mukesh Thakur & Anr.) (2010)6 SCC 759 Courts have to show deference and consideration to the recommendation of the Expert Committee who have the expertise to evaluate and make recommendations [See-Basavaiah (Dr.) v. Dr. H.L. Ramesh & Ors.) (2010)8 SCC 372. Examining the scope of judicial review with regards to re- evaluation of answer sheets, this Court in Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors. (2018)2 SCC 357 held that court should not re-evaluate or scrutinize the answer sheets of a candidate as it has no expertise in the matters and the academic matters are best left to academics. This Court in the said judgment further held as follows:*
>
> > *"31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse — exclude the suspect or offending question.*

> *32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination — whether they have passed or not; whether their result will be approved or disapproved by the court; whether they will get admission in a college or university or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers."*
>
> *12. In view of the above law laid down by this Court, it was not open to the Division Bench to have examined the correctness of the questions and the answer key to come to a conclusion different from that of the Expert Committee in its judgment dated 12.03.2019. Reliance was placed by the Appellants on Richal & Ors. v.Rajasthan Public Service Commission & Ors. (2018)8 SCC 81 In the said judgment, this Court interfered with the selection process only after obtaining the opinion of an expert committee but did not enter into the correctness of the questions and answers by itself. Therefore, the said judgment is not relevant for adjudication of the dispute in this case.*
>
> *13. A perusal of the above judgments would make it clear that courts should be very slow in interfering with expert opinion in academic matters. In any event, assessment of the questions by the courts itself to arrive at correct answers is not permissible…."*

5. At this stage, it would be relevant to reproduce hereinafter the order dated 05.05.2025 passed by this Court:

"1. The petitioner who is appeared in person filed the present petition with the following prayers:-

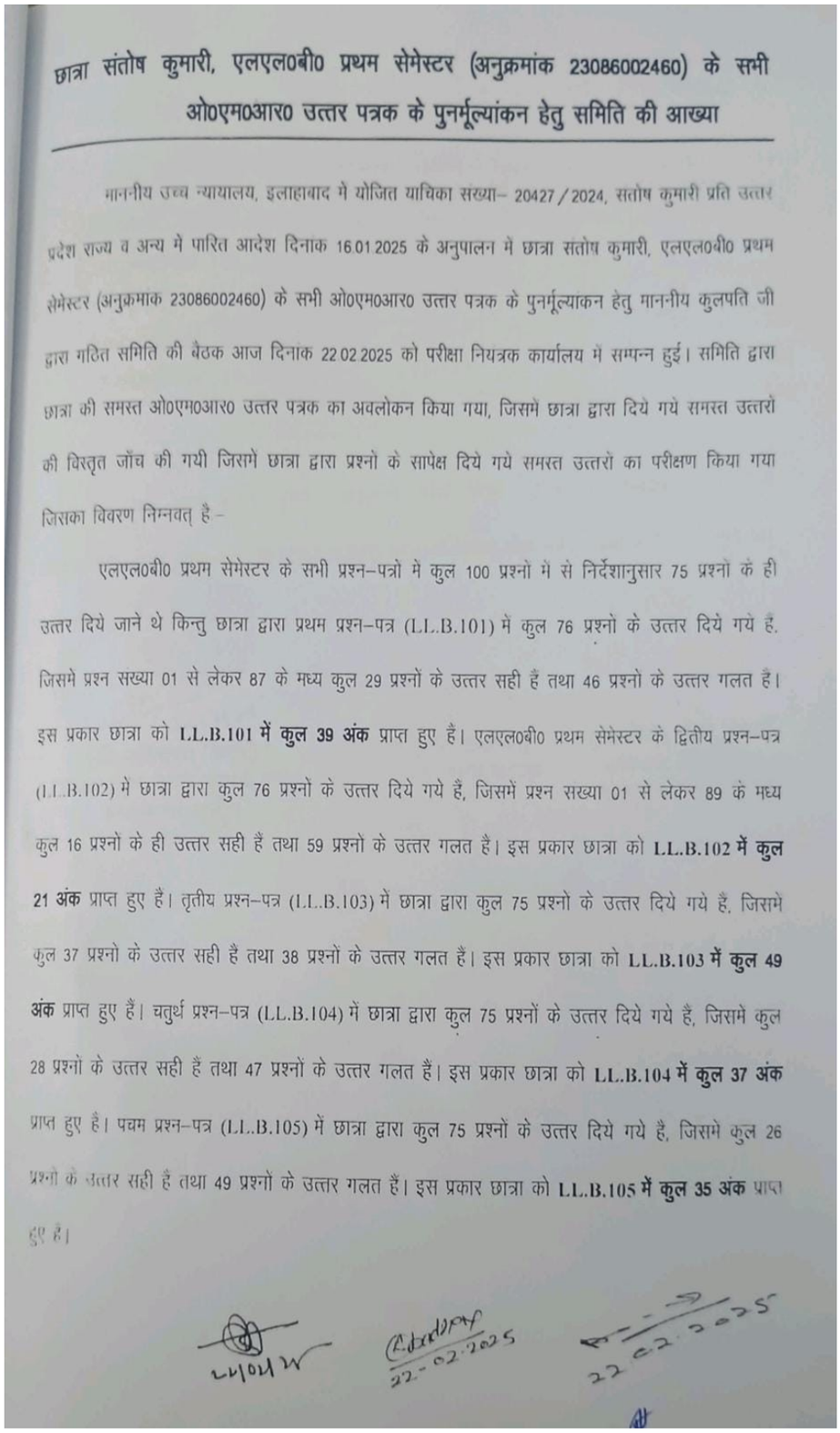
> *"(i) issue a writ, order or direction in the nature of Mandamus commanding and directing the Respondents no. 2,3 and 4 to provided me all marks of petitioner which questions are right, adjust in marks sheet, added to be petitioner name in merit list allowed to be writ petition with 2 lacs costs protect for fundamental right and expense under Article 226 Rule (1) and 226 (2).*
>
> *(ii) issue a writ, order or direction in the nature of prohibition commanding and directing the Respondents no. 2,3 and 4 there should be a permanent stay on 5000/- rupees illegal bribe money per copy only. Stay to be on Back paper apply, scholarship apply till the final judgment of the petitioner's case under the Prohibition Act, 1961 (28 of 1961).*
>
> *(iii) issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the Respondents no. 2,3 and 4 summoned to be all OMR sheets of LLB-I Semester in Hon'ble Court before the hearing summon Cr.P.C. and C.P.C. Act 27 and Rule 5.*
>
> *iii) issue a writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case*
>
> *iv) To award the cost in favour of the petitioner."*

2. Following order was passed by this Court on 16.01.2025:

> *"The University has filed the OMR answer sheets of five papers in respect of Semester I of the petitioner on affidavit dated 8.1.2025.*
>
> *The petitioner in person has filed an affidavit dated 9.1.2025 with respect to the objections in the five papers which the petitioner claims to be correctly answered and the details have been given in paragraphs 4, 5, 6, 7 and 8 of the affidavit of the petitioner. The marks allotted to the petitioner are not before this Court.*
>
> *Let a Committee consisting of Head of Department, Law and two Professors to be nominated by the Vice-Chancellor in consultation with the Head of Department, Law from the Law faculty, examine the answer sheets of the petitioner and the affidavit filed by the petitioner to come to a conclusion whether the petitioner answers have been correctly marked or not and in this respect a tabulation chart along with the report of the Committee would be filed on affidavit on the next date fixed.*

List on 24th February, 2025.

3. Pursuant to the aforesaid order, the respondent-University has constituted a committee and the aforesaid committee submitted its report on 22.02.2025 and the respondent-University has filed affidavit annexing the report dated 22.02.2025 submitted by the Committee which reads as follows:-



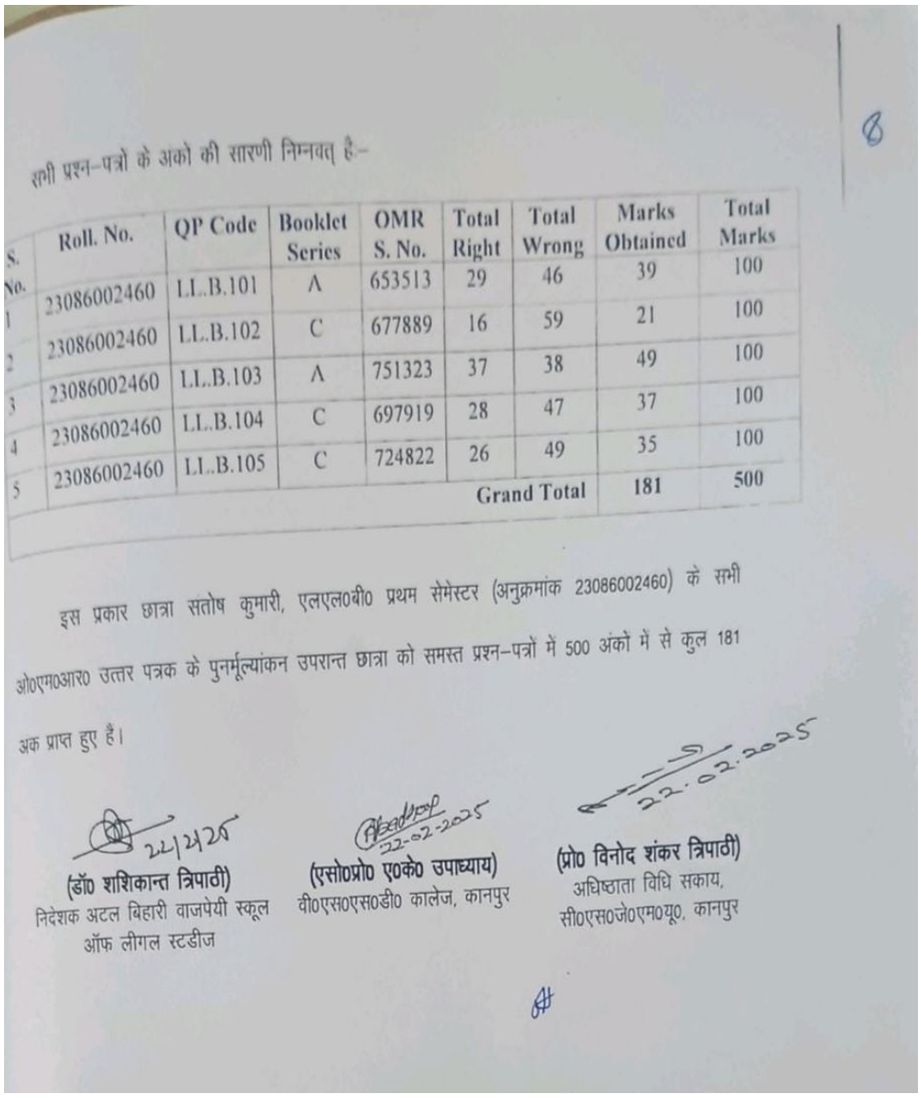
छात्रा संतोष कुमारी, एलएल0बी0 प्रथम सेमेस्टर (अनुक्रमांक 23086002460) के सभी ओ0एम0आर0 उत्तर पत्रक के पुनर्मूल्यांकन हेतु समिति की आख्या

माननीय उच्च न्यायालय, इलाहाबाद में योजित याचिका सख्या– 20427 / 2024, संतोष कुमारी प्रति उत्तर प्रदेश राज्य व अन्य में पारित आदेश दिनाक 16.01.2025 के अनुपालन में छात्रा संतोष कुमारी, एलएल0बी0 प्रथम सेमेस्टर (अनुक्रमाक 23086002460) के सभी ओ0एम0आर0 उत्तर पत्रक के पुनर्मूल्यांकन हेतु माननीय कुलपति जी द्वारा गठित समिति की बैठक आज दिनांक 22.02.2025 को परीक्षा नियंत्रक कार्यालय में सम्पन्न हुई। समिति द्वारा छात्रा की समस्त ओ0एम0आर0 उत्तर पत्रक का अवलोकन किया गया, जिसमें छात्रा द्वारा दिये गये समस्त उत्तरों की विस्तृत जाँच की गयी जिसमें छात्रा द्वारा प्रश्नों के सापेक्ष दिये गये समस्त उत्तरों का परीक्षण किया गया जिसका विवरण निम्नवत् है –

एलएल0बी0 प्रथम सेमेस्टर के सभी प्रश्न–पत्रों में कुल 100 प्रश्नों में से निर्देशानुसार 75 प्रश्नों के ही उत्तर दिये जाने थे किन्तु छात्रा द्वारा प्रथम प्रश्न–पत्र (LL.B.101) में कुल 76 प्रश्नों के उत्तर दिये गये हैं, जिसमें प्रश्न सख्या 01 से लेकर 87 के मध्य कुल 29 प्रश्नों के उत्तर सही हैं तथा 46 प्रश्नों के उत्तर गलत हैं। इस प्रकार छात्रा को **LL.B.101 में कुल 39 अंक** प्राप्त हुए हैं। एलएल0बी0 प्रथम सेमेस्टर के द्वितीय प्रश्न–पत्र (LL.B.102) में छात्रा द्वारा कुल 76 प्रश्नों के उत्तर दिये गये हैं, जिसमें प्रश्न सख्या 01 से लेकर 89 के मध्य कुल 16 प्रश्नों के ही उत्तर सही हैं तथा 59 प्रश्नों के उत्तर गलत हैं। इस प्रकार छात्रा को **LL.B.102 में कुल 21 अंक** प्राप्त हुए हैं। तृतीय प्रश्न–पत्र (LL.B.103) में छात्रा द्वारा कुल 75 प्रश्नों के उत्तर दिये गये हैं, जिसमें कुल 37 प्रश्नों के उत्तर सही हैं तथा 38 प्रश्नों के उत्तर गलत हैं। इस प्रकार छात्रा को **LL.B.103 में कुल 49 अंक** प्राप्त हुए हैं। चतुर्थ प्रश्न–पत्र (LL.B.104) में छात्रा द्वारा कुल 75 प्रश्नों के उत्तर दिये गये हैं, जिसमें कुल 28 प्रश्नों के उत्तर सही हैं तथा 47 प्रश्नों के उत्तर गलत हैं। इस प्रकार छात्रा को **LL.B.104 में कुल 37 अंक** प्राप्त हुए हैं। पचम प्रश्न–पत्र (LL.B.105) में छात्रा द्वारा कुल 75 प्रश्नों के उत्तर दिये गये हैं, जिसमें कुल 26 प्रश्नों के उत्तर सही हैं तथा 49 प्रश्नों के उत्तर गलत हैं। इस प्रकार छात्रा को **LL.B.105 में कुल 35 अंक** प्राप्त हुए हैं।

22-02-2025

22-02-2025



सभी प्रश्न–पत्रों के अंकों की सारणी निम्नवत् है:–

S. No.	Roll. No.	QP Code	Booklet Series	OMR S. No.	Total Right	Total Wrong	Marks Obtained	Total Marks
1	23086002460	LL.B.101	A	653513	29	46	39	100
2	23086002460	LL.B.102	C	677889	16	59	21	100
3	23086002460	LL.B.103	A	751323	37	38	49	100
4	23086002460	LL.B.104	C	697919	28	47	37	100
5	23086002460	LL.B.105	C	724822	26	49	35	100
						Grand Total	181	500

इस प्रकार छात्रा सतोष कुमारी, एलएल0बी0 प्रथम सेमेस्टर (अनुक्रमांक 23086002460) के सभी ओ0एम0आर0 उत्तर पत्रक के पुनर्मूल्यांकन उपरान्त छात्रा को समस्त प्रश्न–पत्रों में 500 अंकों में से कुल 181 अंक प्राप्त हुए हैं।

22/4/25
(डॉ0 शशिकान्त त्रिपाठी)
निदेशक अटल बिहारी वाजपेयी स्कूल ऑफ लीगल स्टडीज

22-02-2025
(एसो0प्रो0 ए0के0 उपाध्याय)
वी0एस0एस0डी0 कालेज, कानपुर

22.02.2025
(प्रो0 विनोद शंकर त्रिपाठी)
अधिष्ठाता विधि सकाय,
सी0एस0जे0एम0यू0, कानपुर

4. In response to the same, a detailed reply has been submitted by Ms. Santosh Kumari, petitioner (In person) on 17.04.2025 annexing various documents in order to proof that wrong report has submitted by the Committee and in fact, she is entitled for the marks on the question which she attempted.

5. Due to paucity of time, arguments could not be concluded.

6. List on 15.07.2025.

7. At this stage, a prayer has been made by the petitioner (In person) that Fourth Semester LL.B. Examination will be held by the respondent-University in the month of July, 2025, the same should be stayed.

8. The Court does not find any force in this prayer and the same is liable to be rejected.

9. Accordingly, the aforesaid prayer is rejected."

6. As referred above, the Respondent-University has re-examined the OMR sheet and verified that she got only 181 marks and not 499 marks,

out of total 500 marks, as claimed by petitioner. Claim of petitioner that she may get 499 marks, out of 500, was based on assumption without any basis whatsoever.

7. Petitioner-in person, has referred an affidavit dated 17.04.2025 wherein she has quoted answers to the questions, however, source thereof is not on record as well as in said affidavit it has not been referred that according to her answer, which question was correctly marked in OMR sheet but no marks was awarded by Respondent-University. Only by filing some documents without any source of it, would not make the case of petitioner better, rather it will be more worse. Court cannot act as an expert to undertake such exercise to examine every question and answer marked by petitioner under writ jurisdiction.

8. Only because petitioner is appearing in person, the Court cannot extend liberty to file any documents or make any submission which has no legal basis on facts as well as on law.

9. The Court has asked a pointed query to petitioner-in person to assist about the position of law, however, she failed to show any judgment though she is a chronicle litigant before this Court.

10. In aforesaid circumstances, petitioner in person has failed to show any irregularity or illegality in re-cheking of her OMR sheet, therefore, only on basis of vague averments, Court cannot act contrary to law as held in Vikesh Kumar Gupta (supra) and Ran Vijay Singh and others vs. State of U.P. and others (2018)2 SCC 357.

11. At this stage, when Court was concluding the present order, the petitioner-in person kept on repeatedly disturbing the Court despite warning. She even asked the Court to recuse from the present case, which is rejected with strict oral observations.

12. In view of above, not only this writ petition is dismissed but to discourage such litigation a cost of Rs. 20,000/- is also imposed on

petitioner-in person, to be deposited within 15 days from today in the Bank Account of High Court Legal Services Committee.

13. It is advised to petitioner to concentrate on her study so that she may get more marks by her honest preparation and she may not approach this Court again.

October 29, 2025 **(Saurabh Shyam Shamshery,J.)**
AK

Digitally signed by :-
AWADESH KUMAR
High Court of Judicature at Allahabad