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WA-1915-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI

ON THE 12th OF NOVEMBER, 2024

WRIT APPEAL No. 1915 of 2024

*CHETAN PATIDAR MINOR THROUGH FATHER BHARATLAL
PATIDAR*

Versus

*BOARD OF SECONDARY EDUCATION MADHYA PRADESH
THROUGH ITS SECRETARY*

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Appearance:

Shri Harsh Kumar Patidar, learned counsel for the petitioner.

Ms. Chitrlekha Hardia, learned counsel for the respondent.
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ORDER

Per. Hon'ble Shri Justice Suresh Kumar Kait, Chief Justice

The appellant has filed the present writ appeal under Section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyaya Peeth Ko Appeal) Adhiniyam, wherein following reliefs have been sought:-

- I. Allow the appeal by setting aside the impugned order dated 02.04.2024 passed by the learned Single Judge, High Court of Madhya Pradesh, Bench at Indore in Writ Petition 21406 of 2024;*
- II. Allow the appeal by setting aside the impugned order dated 05.08.2024 passed by the learned Single Judge, High Court of Madhya Pradesh, Bench at Indore in Review Petition No. 485 of = 2024;*
- III. Direct the Respondent to re-evaluate the answer sheets of the*



appellant for subject of Political Science and English and award him correct marks to which is his entitled and issue the correct and updated marksheet of the appellant.

IV. Any other relief deemed fit and proper in the facts and circumstances of the case may be granted in favour of the appellant.

V. Costs of this appeal may kindly be awarded to the Appellant.

02. On 19.09.2024, this Court perused the answer-sheets of English and Political Science subjects for the examination conducted for Higher Secondary Certificate Examination in the month of March, 2023 and found that large number of questions have been wrongly evaluated. This Court observed that as per the Model Answer Key, all the answers appear to be correct.

03. The said fact has not been disputed by the respondent, however, it is argued that there is no provision for re-evaluation. Thus, the present petition deserves to be dismissed.

04. Though in the Regulations, there is no provision for re-evaluation, but on perusal of the answer key which was produced before the Court, if the Court has come to the conclusion that large number of questions have been wrongly evaluated and according to Model Answer Key, all the answers appear to be correct, then this Court has power under Article 226 of the Constitution to direct the respondent to re-evaluate the answer-sheets of the petitioner.

05. We, accordingly, dispose of the present writ appeal by directing the respondent to re-evaluate the answer-sheets of English and Political Science subjects of the examination conducted for Higher Secondary School



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Certificate held in the month of March, 2023 within a period of two weeks from today. After evaluation, the further step requires to be taken by the respondent, the same shall be taken without any delay. It is made clear that if the petitioner is still aggrieved he shall be at liberty to file a fresh petition before the appropriate Court as per the law.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(SUSHRUT ARVIND DHARMADHIKARI)
JUDGE

Ravi