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ALLAHABAD HIGH COURT (LUCKNOW BENCH)

SINGLE BENCH

COMMITTEE OF MANAGEMENT NAGRIK INTER COLLEGE — Appellant

Vs.

STATE OF U.P — Respondent

(Before : Shri Narayan Shukla, J.)

Writ Petition No. 4261 (M/S) of 2008.

Decided on : 02-04-2010

A. Administrative Law — Blacklisting — Educational Institutions — Board Examinations — An institution was blacklisted for holding high school and intermediate board examinations based on a flying squad report alleging that bundles of answer sheets were found at the college gate — The institution explained that the materials found at the gate were collected during a search of students and were subsequently destroyed by burning — The court found the institution's explanation reasonable and noted that the flying squad report did not mention mass copying — Held, the blacklisting order was unsustainable as no irregularity was reported; the order was quashed. (Paras 2, 3, 4)

Counsel for Appearing Parties

Sri Yogendra Kumar Misra, Advocate, for the Petitioner; CSC, for the Respondent

JUDGMENT

Shri Narayan Shukla, J.—Being aggrieved with order dated 22nd July, 2008 passed by the Deputy Secretary, Madhyamik Shiksha Parishad Uttar Pradesh, Allahabad the petitioner has preferred the present writ petition.

2. By means of the order impugned, the Deputy Secretary, Madhyamik Shiksha Parishad Uttar Pradesh, Allahabad has black listed the petitioner-institution for holding High School and Intermediate Board Examination.

3. The report submitted by Flying Squad is on record, upon perusal of which I find that no mass-copying in the institution has been reported but since the bundle of documents relating to answer of question were found at the gate of college which were collected by the authority of college. Therefore, the action was taken as a precautionary measure against the institution; whereas the petitioners explanation for the said action is that at the gate of the school itself, search work was made and whatever materials were collected from the students, they were destroyed by burning. After considering the explanation of the petitioner, I find the same as reasonable.

4. Therefore, I am of the view that the order impugned is unsustainable as no irregularity has been reported before me. I hereby quash the order impugned so far as it relates to the petitioner.

5. In the result, the writ petition is allowed.