



2025:AHC:225288

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 42054 of 2025**

Faaiz Qamar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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Counsel for Petitioner(s)	:	Ashwani Kumar Mishra
Counsel for Respondent(s)	:	C.S.C.

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**Court No. - 33**

**HON'BLE VIVEK SARAN, J.**

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State-Respondents.

2. The instant writ petition has been filed with the following relief:-

"(i) Issue writ, order or direction in the nature of certiorari after calling the record of the case and to quash the impugned order dated 09.09.2025 passed by respondent Regional Secretary of Madhyamik Shiksha Parishad, Regional Office, Meerut (Copy of which is contained at Annexure no.1 to the writ petition).

(i) Issue writ, order or direction in the nature of mandamus commanding the respondent Regional Secretary of Madhyamik Shiksha Parishad, Regional Office, Meerut to ensure evaluation of answer of those questions in Hindi and Biology subjects of Intermediate Examination which were pointed out by petitioner by means of his representation dated 5.8.2025 (Annexure no.6 to the writ petition)."

3. Learned counsel for the petitioner submits that the petitioner had appeared in her Intermediate examinations for which the results were declared in the year 2025 and held scored well, however, the petitioner was not satisfied with the result and thus she applied for scrutiny in Hindi and Biology papers on 19.6.2025 and was called vide letter dated 18.7.2025 to be present at the office of the Board on 5.8.2025 in order to peruse her answer scripts of the said subjects. Thereafter the petitioner visited the office of the Board and

was shown her answer copies. Learned counsel for the petitioner further submits that petitioner being dissatisfied with the score/marks awarded to her in Hindi paper for question nos.4(iii), 4(iv), 5(क), 5(ख), 6, 7(ii), 8(क)(ख), 10(i)(ii), 13. Likewise the petitioner is also dissatisfied for the marks awarded in her Biology subject in question nos.3(d), 4(a), 4(c), 6(c), 7, 8 and 9, the petitioner submitted representation dated 5.8.2025 to the Regional Secretary of the Board ventilating her grievance. The said representation cannot be rejected by order dated 9.9.2025 citing that reevaluation cannot be permitted under Chapter 12 Rule 21 (ढ़) of the U.P. Intermediate Education Act, 1921. Learned counsel for the petitioner submits that the procedure adopted by the respondents by not allowing reevaluation of the answer-sheets in case of dissatisfaction of the petitioner being award of marks to certain questions, is arbitrary and thus prayed for reevaluation of the same.

4. Per contra, learned Standing Counsel has produced written instructions in compliance of the earlier order dated 28.11.2025 of this Court, the same are taken on record. On the strength of the same submits that there was an error in the totaling of the Biology paper of the petitioner and on scrutiny, two marks have been added. Thereby increasing the numbers of marks attained in Biology from 56 to 58 and consequently the marks awarded compositely in the subject has also increased from 86 to 88 and the total marks have also increased from 439 to 441. He further submits that there was no change in the Hindi paper therein. He further submits that the statement of modification of marks have been forwarded to the concerned school from where the petitioner can obtain the mark-sheet. Learned Standing Counsel also submits that the prayer for evaluation of answer-sheet is not provided in the U.P. Intermediate Education Act, 1921 and in absence of any such statutory provision, the prayer deserves to be rejected.

5. Heard the learned counsel for the parties and perused the records.

6. The question which falls for consideration before this Court is as to whether the answer sheets of intermediate examination could be sent for re-evaluation. Thus it is to be seen as to whether the statute i.e. the U.P. Intermediate Education Act, 1921 provides for such re-evaluation.

7. 10. The Hon'ble Supreme Court in **Re. Ran Vijay Singh and others Vs. State of U.P. and others reported in 2018 (2) SCC, 357 in para 30** has held as under:-

"30.1. If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30.2. If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalisation" and only in rare or exceptional cases that a material error has been committed;

30.3. The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate - it has no expertise in the matter and academic matters are best left to academics;

30.4. The Court should presume the correctness of the key answers and proceed on that assumption; and

30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate."

8. The provision is contained in Chapter 12 Rule 21 (ड) of the U.P. Intermediate Education Act, 1921, which reads as under:-

"21. हाईस्कूल तथा इण्टरमीडिएट के परीक्षार्थी जो अपनी उत्तर पुस्तकें सन्निरीक्षा कराना चाहते हैं, निम्नलिखित नियमों के अनुसार करा सकते हैं-

(ड) सन्निरीक्षा का तात्पर्य उत्तर पुस्तकों का पुनर्मूल्यांकन नहीं है, सन्निरीक्षा कार्य में परीक्षार्थियों की उत्तर पुस्तकों में यह देखा जायेगा कि परीक्षार्थी की उत्तर-पुस्तक में क्या अलग-अलग प्रश्नों में दिये गये अंकों का योग करने, उन्हें अग्रेनीत करने अथवा किसी प्रश्न अथवा उसके भाग पर अंक देना छूटने की कोई त्रुटि तो नहीं हुई है। सन्निरीक्षा कार्य में परीक्षार्थियों की उत्तर पुस्तकों में परीक्षक द्वारा

मूल्यांकित प्रश्नों के उत्तरों का पुनर्मूल्यांकन नहीं किया जायेगा।"

9. It is to be noted that the petitioner has prayed for the relief in the instant petition, in support of which one of the ground for challenge is ground no.II which reads as under:-

"II. Because petitioner performed and fared so well and excellent in all subjects including Hindi and Biology of Intermediate Examination 2025 that she was expecting and assessing herself to achieve at least 90 marks in Hindi and 96 marks in Biology."

10. In view of the statutory provision under Chapter 12 Rule 21 (ढ़) as noted above, no such order for reevaluation of answer-sheets only on the strength of presumption drawn by the petitioner that she has been accorded lesser marks can be granted and the authority passing the order impugned dated 9.9.2025 cannot be faulted.

11. In view of the aforesaid, the writ petition fails and is, accordingly, **dismissed**.

**(Vivek Saran,J.)**

**December 15, 2025**  
Gaurav Kuls