dekĂ fo'ofo|ky;] uuhrkyA

KUMAUN UNIVERSITY, NAINITAL (UTTARAKHAND)

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fo'ofo|ky; e eY;kfdr mÙkj&ifLrdkvk d lEcU/k e lpuk vf/kdkj l lEcfU/kr fu;e

lpuk vf/kdkj d rgr Nk=k }kjk eY;kfdr mÙkj&ifLrdk ekx tku d lnHk e fo'ofo|ky; }kjk xfBr lfefr dh lLrfr ij ekuuh; dyifr th d vkn'k fnukd 30&08&2013 d vuikyu e o"k 2013 l fuEufyf[kr fu;e ykx fd; tkr g &

1- ijh{kkFkh eY;kfdr dh x;h mÙkj&ifLrdk d fy, mÙkj&ifLrdk dh Nk;kifr vFkok fujh{k.k d fy, fo'ofo|ky; dk ijh{kkQy ?kkf"kr gku d 15 fnu d ckn doy viuh mÙkj&ifLrdk d lEcU/k e vkonu dj ldrk gA

2- fu"i;kT; lkexh fu;ek d vfrfjDr lh0ch0,l0lh0] ub fnYyh cuke vkfnR; c/kkik/;k; ¼lu 2011½ d ekey e lokPp U;k;ky; }kjk ykdikf/kdkjh dk inÙk dh x;h 'kfDr d vUrxr ijh{kkFkh lpuk vf/kdkj d vUrxr ijh{kkQy ?kkf"kr gku dh frfFk l nk ekg d vUnj mÙkj&ifLrdk dh Nk;kifr iklr dju gr vkonu dj ldrk gA vdrkfydk e vfdr frfFk gh ijh{kkQy ?kkf"kr gku dh frfFk ekuh tk;xhA

3- mPpre U;k;ky; e mijkDr fu.k; d vuikyu e ijh{kd] lg&ijh{kd vkj ijh&fujh{k.kdrk rFkk blh idkj d dk;k dk dju oky 0;fDr;k d uke] in] irk rFkk fdlh Hkh idkj dh igpku vkond drk dk ugh nh tk;xhA

Rajnish Pande

4- lpuk vf/kdkj d vUrxr vkonu dju okyk ijh{kkFkh dk lR;kiu bl vk'k; l fo'ofo|ky; }kjk fd;k tk;xk fd vkonu dju okyk O;fDr ogh ijh{kkFkh g ftlu vkonu fd;k g vFkok ugh] bld fy, fo'ofo|ky; }kjk fuxr io'k&i= dh Nk;kifr vFkok jkT; ljdkj }kjk ekU;rk ikIr igpku i= iLrr djuk vfuok;Z gkxk rFkk vdrkfydk dh Nk;kifr iLrr djuk vfuok;Z gA

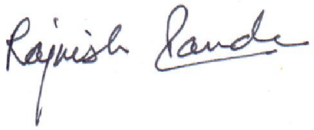
5- ;|fi mijkDrkuqlkj lpuk vf/kdkj e nh x;h mÙkj&ifLrdk dk iqueY;kdu ugh fd;k tk;xk rFkkfi ijh{kd d }kjk mÙkj&ifLrdk d eY;kdu fd; tku e iFke n"V;k xyrh ikb tku ij fuEufyf[kr ifjfLFkfr;k e xyrh dk l/kkj dju dk vf/kdkj fo'ofo|ky; d ikl lqjf{kr gkxk &

¼d½ ;fn mÙkj&ifLrdk d i'uk e fn; x; mÙkj dh x.kuk e dkb =fV g rk mll Bhd fd;k tk;xkA

¼[k½ ijh{kkFkh dk dkb i'u eY;kdu fd; tku l NV x;k g rk mldk eY;kdu fd;k tk;xkA

¼x½ (i) ;fn ijh{kd d }kjk mÙkj&ifLrdk d vkoj.k i"B ij dy vd vfdr fd; g] yfdu mÙkj&ifLrdk d vUnj i'u d mÙkjk e iFkd&iFkd :i l eY;kdu dj vd ugh n'kk; x; g rFkk u gh vkoj.k i"B ij iFkd&iFkd i'uk e vd fn; g] rk ,lh ifjfLFkfr e mÙkj&ifLrdk dk eY;kdu fd;k tk;xkA

(ii) ;fn ijh{kd }kjk iR;d i'u ij mÙkj&ifLrdk d vUnj vd fn; g] yfdu vkoj.k i"B ij mu vdk dk dy ;kx fn;k g rk eY;kdu ugh gkxkA



(iii) ;fn ijh{kkFkh }kjk mÙkj fn; x; iR;d i'u ij ijh{kd u vd fn; g] yfdu mu vdk dk mÙkj iqfLrdk e i'ukuqlkj vUnj ugh n'kk;k x;k gA vfir lEcfU/kr i'uk d vdk dk vkoj.k i"B ij gh ijh{kkFkh }kjk mÙkj fn; x; i'uk d Øe e nf'kr fd;k g rk eY;kdu ugh fd;k tk;xkA ijUrq ble ;g /;ku nuk vko';d gkxk fd ftu i'uk d lEe[k vkoj.k i"B ij vd vfdr g mudk fo|kFkh }kjk gy fd;k gkuk pkfg,] ;fn fo|kFkh d i'uk dk mÙkj d Øe d vuqlkj vkoj.k i"B ij vd vfdr ugh g rk eY;kdu fd;k tk;xkA

¼?k½ ;fn ijh{kkFkh ;g vkifÙk djrk g fd eY;kfdr dh x;h mÙkj&iqfLrdk e vU; fo"k;&fo'k"kK vf/kd uEcj n ldrk Fkk rFkk blh idkj dk dkb vU; dFku dk vkifÙk dk fo"k; cukrk g] rk bl idkj dh vkifÙk dk vk/kkj cukdj fdlh Hkh idkj l mÙkj&iqfLrdk dk eY;kdu ugh fd;k tk;xkA blds lkFkdrk e ;gk ij ;g mYy[k djuk lehphu g fd lpuk vf/kdkj vf/kfu;e d vUrxr eY;kfdr dh x;h mÙkj&iqfLrdkvk dh Nk;kifr mPpre U;k;ky; d fu.k; lUVj ckM vkQ ld.Mjh ,td'ku ,.M vnl cuke vkfnR; cU/kkik/;k; ,.M vnl ;kfpdk l[;k&6454 vkQ 2011 e fn; x; fu.k; d vuqlkj fn; tku dh 0;oLFkk fo'ofo|ky; u dh gA bl fu.k; d ijk l[;k&18 e mYy[k fd;k x;k g fd & "In these cases, the High Court has rightly denied the prayer for re-evaluation of answer-books sought by the candidates in view of the bar contained in the rules and regulations of the examination bodies. It is also not a relief available under the RTI Act. Therefore, the question whether re-evaluation should be permitted or not, does not arise for our

consideration. What arises for consideration is the question whether the examinee is entitled to inspect his evaluated answer-books or take certified copies thereof. This right is claimed by the students, not with reference to the rules or bye-laws of examining bodies, but under the RTI Act which enables them and entitles them to have access to the answer-books as 'information' and inspect them and take certified copies thereof. Section 22 of RTI Act provides that the provisions of the said Act will have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Therefore, the provisions of the RTI Act will prevail over the provisions of the bye-laws/rules of the examining bodies in regard to examinations. As a result, unless the examining body is able to demonstrate that the answer-books fall under the exempted category of information described in clause (e) of section 8(1) of RTI Act, the examining body will be bound to provide access to an examinee to inspect and take copies of his evaluated answer-books, even if such inspection or taking copies is barred under the rules/bye-laws of the examining body governing the examinations. Therefore, the decision of this Court in *Maharashtra State Board* (supra) and the subsequent decisions following the same, will not affect or interfere with the right of the examinee seeking inspection of answer-books or taking certified copies thereof."

mijkDr :i l m)fjr mPpre U;k;ky; dk dFku Li"V djrk g fd ;fn ijh{kk vk;kftr dju okyh ijh{kk lLFkkvk d ijh{kk fu;ek

e iueY;kdu dh lfo/kk miyC/k ugh g] rk lpuk vf/kdkj vf/kfu;e d vUrxr iueY;kdu vFkok@rFkk ijh{kkFkh dh ;g vkifÙk Lohdkj ugh dh tk;xh fd mldh mÙkj&ifLrdk e mÙkj fn; x; i'uk ij vf/kd vd vk ldr Fk] D;kfd jkT; ljdkj u lu 1987 e iueY;kdu dk ifrcfU/kr fd; tku dk 'kklukn'k tkjh fd;k gvk g vkj ;g 'kklukn'k vHkh Hkh iHkkoh gA

¼M½ lpuk vf/kdkj d vUrxr eY;kfdr dh x;h mÙkj&ifLrdk dh Nk;kifr fn; tku d mijkUr] ;fn ijh{kkFkh }kjk mij of.kr fcUnvk e vkPNkfnr =fV;k dk vk/kkj cukdj fo'ofo|ky; dk lEcfU/kr =fV;k dk Bhd fd; tku d fy, vkonu fd;k tkrk g] rHkh mld vkonu i= ij fo'ofo|ky; mijkDrkuql kj =fV;k dk Bhd dju d fy, fopkj dj ldrk gA

6- mÙkj&ifLrdk d fdlh i'u dk lEi.k :i l lgh gku dh n'kk e ;fn ijh{kd d }kjk ml i'u ij 'kU; vd fn;k x;k g rk fo"k;&fo'k"kK dh jk; ij ml i'u dk eY;kdu fd;k tk ldrk g] yfdu fdlh Hkh n'kk e vkond d }kjk mÙkj e fn; x; vdk dk de vFkok T;knk dk vk/kkj cuk dj eY;kdu ugh fd;k tk;xkA

7- lpuk vf/kdkj vf/kfu;e d vkykd e ijhfujh{k.k ¼LdVuh½ dk ifj.kke vkonu i= ikIr gku d 30 fnu d Hkhrj djuk vfuok; gkxkA

8- ik;% ,lk n[kk x;k g fd ijhfujh{k.k ¼LdVuh½ dk vkonu i= ikIr gku d mijkUr xkiuh; foHkkx e fo'ofo|ky; d ijh{kk vuHkkx }kjk foyEc l if"kr fd;k tkrk g ftld dkj.k ijhfujh{k.k ¼LdVuh½ dk ifj.kke ?kkf"kr gku e foyEc gkrk gA blfy, ijhfujh{k.k ¼LdVuh½ dk ikFkuk i= ikflr d nk fnuk d vUnj ¼dk;fnol½ dk xkiuh; foHkkx e vfuok; :i l iLrr djxk] vU;Fkk dh fLFkfr e lEcfU/kr iVy lgk;d dh ftEenkjh gkxhA

9- ;fn vkond u ijh{kk mÙkj&ifLrdk dh iufujh{k.k rFkk lpuk vf/kdkj vf/kfu;e e Hkh vkonu fd;k gk rk ,lh fLFkfr e igy iufujh{k.k dk ifj.kke ?kkf"kr fd;k tk;xk] mld ckn gh lpuk vf/kdkj vf/kfu;e dh /kkjk&7 e fu/kkfjr le; d Hkhrj mÙkj&ifLrdk dh Nk;kifr miyC/k djk;h tk;xhA

10- lpuk vf/kdkj vf/kfu;e d vUrxr ekxh x;h mÙkj&ifLrdk dh Nk;kifr Mkd }kjk gh Hkth tk;xhA mÙkj&ifLrdk dh Nk;kifr fdlh Hkh n'kk e ijh{kkFkh dk gkFkk&gkFk ugh nh tk;xhA

11- ijh{kd }kjk fo'ofo|ky; dk mÙkj&ifLrdk dk eY;kdu dju d ckn vd fpV rFkk eY;kfdr dh xb mÙkj&ifLrdkvk dk ,d lkFk vfoyEc okil djuk vfuok; gkxk] ftld vk/kkj ij lpuk vf/kdkj vf/kfu;e d vUrxr ijh{kkFkh dk mÙkj&ifLrdk; 30 fnuk d vUrxr miyC/k djkb tk ldA

12- ijh{kd dk ;g nkf;Ro gkxk fd mÙkj&ifLrdk d ikly e j[k x; i&9 e vfdr mÙkj&ifLrdkvk dh l[;k dk feyku dj y] ;fn dkb vUrj gk rk mldh lpuk ijh{kk fu;=d dk n] vU;Fkk dh fLFkfr e eY;kfdr dh x;h mÙkj&ifLrdkvk rFkk i&9 e vfdr dh x;h mÙkj&ifLrdkvk e vUrj vkrk g rk bldk mÙkjnkf;Ro ijh{kd dk gkxkA

mi&dylfpo ¼ijh{kk½
dekÅ fo'ofo|ky;] uuhrkyA

ijh{kk fu;=d
dekÅ fo'ofo|ky;] uuhrkyA