

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6008 of 2014

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Ajay Kumar Sinha S/O Late Harichandra Prasad Resident of Chitragupta Nagar,
Near Temple, P.S. And District – Khagaria.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Director, Health Department, Government of Bihar, Patna.
3. The Examination Controller, Bihar Combined Entrance Competitive Examination Board I.A.S. Association Building Near Patna Airport, Govt. of Bihar, Patna.
4. The Principal, L.H.V. School (Nursing Training), Patna City, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Tarun Kumar Sinha, Advocate

For the Respondents : Mr. Kumar Manish, SC21

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-11-2015

On the basis of the examination conducted by Bihar Combined Entrance Competitive Examination Board, the daughter of the petitioner was declared as one of the successful candidates. After counselling she had been given admission in A.N.M. Course which she is pursuing. Reason for filing the writ application is because petitioner perceives that with his daughter's qualification as well as combination of subjects and merit position, she should have been offered admission in A.N.M. Grade-A nursing course instead of only A.N.M. course.

The Examination Board was directed to file counter affidavit and explain as to why the grievance raised by the petitioner

would not be entertained or a direction be issued in his favour.

The stand of the Board in the counter affidavit is that altogether there were 335 seats available for Grade-A nursing course. Out of the 335 seats, 50% is reserved for general category candidate. The number of seats for general category, therefore, was worked out to be 168. The last person in the merit position who was offered admission in Grade-A nursing course was at serial no.283 of the merit list. The rank of the daughter of the petitioner was at serial no.299 that is the only reason why the candidate was not offered her seat in Grade-A nursing course.

Counsel for the petitioner thereafter submits that according to the information and hunch, people even with other combinations, like, Mathematics have been given an opening when preference was required to be given for person having qualification in Zoology and Biology.

There is no material to support such a contention. It may be an afterthought but the fact is that the petitioner has demanded certain information under Right to Information Act and the respondent Examination Board is sitting over the matter. No response is coming through which also is a cause for which the petitioner has a grievance.

So far as providing information under Right to Information is concerned, if information has not been provided by the respondents

under the Act, it is a serious issue and obviously the Court will not extend any kind of indulgence on this count because the right created in favour of a citizen to demand and beget has been laid down by a central enactment and there is a statutory obligation upon the authorities who are declared as information officers to do their part of the duty.

If information was not coming through, petitioner should have gone before the appellate authority or even the State Commission but that is not the core issue.

In view of the position emerging with regard to the number of seats and merit position of the daughter of the petitioner, the Court cannot pass any order in favour of the petitioner.

However, If the petitioner begets certain inputs and information under Right of Information Act, he may have a cause of action at another time.

Writ is dismissed with above liberty.

(Ajay Kumar Tripathi, J.)

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