

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9227 of 2015

=====

Mahboob Alam, Son of Late Md. Ishaque, resident of Subzibagh, P.S. Pirbaharo,
District- Patna.

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Secretary, Pre- Medical Test Examination.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Shahabuddin Azeem @ S. Azeem, Adv.

For the Respondents : Mr. P.N. SHAHI- AAG10

Mr. AMIYA KUNAL, AC to AAG-10

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-07-2015

If one needs an example as to the level to which the facility of Public Interest Litigation is being misused to gain cheap and undue popularity, this writ petition presents one. Slowly a tendency has developed that every citizen feels that he is entitled to be informed of every activity of the Government in all its fields, and if the information does not reach him or if the things do not take place as he wishes, there is serious Constitutional breakdown and he can straightaway rush to the Court to get the things corrected.



The petitioner claims to be the General Secretary of Social Democratic Party of India. He filed this petition with a prayer to direct the State Government to conduct a combined competitive test for selection of students for admission into Medical and Engineering Courses in the present academic year, by cancelling the examination that was held for this year. While enclosing a news report said to have been made on 18.5.2015, the petitioner states that in the combined competitive test certain irregularities have been noticed, particularly at a centre and despite that the examination was not cancelled. Citing the recent Judgment of the Hon'ble Supreme Court wherein the Pre-medical Examination conducted by the C.B.S.E. was cancelled, he prays for a direction for cancellation of examination held in Bihar.

Heard Shri S. Azeem, learned counsel for the petitioner, at length.

The writ petition is bereft of any dates or particulars of the examination, or the alleged irregularities that are said to have taken place. Except stating that he is a social worker, the petitioner did not mention as to what specific irregularity has taken place and as to why fresh examination must be conducted. Not only the writ

petition, but even the synopsis is silent about the particulars. Unfortunately, that is the level to which the facility of Public Interest Litigation has been reduced.

The result of the adjudication sought for by the petitioner is going to impact lakhs of students who are at the threshold of their professional courses. It is not uncommon that the malpractices occur in examinations. The authorities or the agencies entrusted with the duty of conducting the examination act vigilantly and whoever is found to have resorted to irregularities is brought to book. Simply because one or two students might have indulged in such practices, the future of the other students, who are thousands in number, cannot be thrown to uncertainty. The preparation, which a student undergoes before appearing in the examination is phenomenal. Cancellation of the examination would virtually inject an element of frustration in the students. Such extreme step can be taken only when the undisputed facts reveal that serious irregularities have taken place and the results have been seriously affected. The petitioner cannot have that luxury, particularly when he does not even know the basics of the process.

We, therefore, dismiss the writ petition.

We direct that if the petitioner indulges in such activities in future, serious step will be taken, including awarding of exemplary costs and disqualifying him from availing other social benefits.

Interlocutory application, if any, stands disposed of.

(L. Narasimha Reddy,CJ)

(Anjana Mishra, J)

K.C.jha/-
N.A.F.R.

U			
---	--	--	--