

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.826 of 2016

=====

Awadhesh Kumar S/o Mulchand Rai, R/o village Ram Charan Chhatni,
P.O.Dhobiya Kalapur, P.S. Naubatpur, District Patna

.... Petitioner

Versus

1. The Union of India
2. The Secretary, Department of Atomic Energy, Govt. of India, New Delhi
3. The Member Secretary, National Board of Higher Mathematics, Department of Atomic Energy, Anushakti Bhawan, CSM Marg, Mumbai-400001
4. The Director, Homi Bhabha Centre for Science Education, Tata Institute of Fundamental Research, V.N.Purav Marg, Mankhurd, Mumbai-400088
5. Prof. V.M.Sholapurkar, National Coordinator, Mathematical Olympiad Program, Head of Department of Mathematics, S.P. College, Pune-411030
6. Prof. Md. Azhar Hussain, Regional Coordinator, North Bihar and Patna, Mathematical Olympiad Program, Vice Chancellor, RMO Office, North Bihar & Patna Region, New Azimabad Colony, West Sanichara, P.O.Mahendru, Patna-800006
7. Prof. R.K. Das, Regional Coordinator, South Bihar, Bhagalpur, Ram Niwas, Lal Bagh, Tilkamanjhi, Bhagalpur

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Prashant Sinha

For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

6 24-02-2016 Heard Mr. Prashant Sinha, learned counsel for the petitioner, and Mr. S.D.Sanjay, learned Additional Solicitor General, appearing for the respondents Union of India.

This writ petition, made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, has put to challenge the practice of inconsistent declaration of result of

Regional Mathematical Olympiad, in short 'RMO', which is conducted by respondent No.4, namely, Director, Homi Bhabha Centre for Science Education, Tata Institute of Fundamental Research, Bombay, hereinafter referred to 'HBCSE'.

By filing an affidavit, respondent No.4, namely, Director, Homi Bhabha Centre for Science Education, Tata Institute of Fundamental Research, Bombay, has, now, given a complete scheme of the selection process for the year 2016-17 in the following manner:-

- “(a) *The Regional Mathematical Olympiad hereinafter referred as (RMO) will be held on the first Sunday of October in all the regions.*
- (b) *The results of all the regions will have to be submitted to the respondent No.4 (HBCSE) before November, 30.*
- (c) *All results will be published on the BHBCSE website in the first week of December.*
- (d) *The Indian National Mathematical Olympiad hereinafter referred as (INMO) will be conducted on the third Sunday of January.*
- (e) *INMO results will be declared in the last week of February.*
- (f) *The International Mathematical Olympiad*

Training Camp hereinafter referred as (IMOTC) will commence in the third week of April and will end in the third week of May.

(g) *The six member Indian team to the International Mathematical Olympiad hereinafter referred as (IMO) will be announced on the last day of IMOTC.*

(h) *Schedule for the pre-departure camp and the departure of the Indian team will be as per the schedule of the IMO.”*

Having given the scheme, which has been referred to above, respondent No.4 has also averred, at clause (c) and clause (d) of paragraph 6 of its affidavit, as follows:-

“6. (c) That it is stated and submitted that the respondent authorities reserves the right to change the above schedule/scheme of the examination any time in future in the interest of the Olympiad movement and the autonomy of the Regions and regional capacity development.

(d) That the entire schedule for selection is being significantly changed as per this affidavit hence the respondent authorities further reserve the right, in the light of any future exigencies that may arise, to modify this schedule consistent with the principle of equal opportunity to students across all regions. ”



On a pointed query made by this Court, Mr. S.D. Sanjay, learned Additional Solicitor General, appearing on behalf of the respondent Union of India, submits that the change, in the schedule of examination or test, which has been given under paragraph 6 of the affidavit, sworn by respondent No.4, would be made in exceptional circumstances, but ensuring that the result of RMO is declared, at all Regional Centers, on one given date so that there is no variation in the date of declaration of result of the RMO and thereby exclude the possibility of any discrimination, which, according to the writ petitioner, takes place.

In view of the averments made and the submissions made on behalf of respondent No.4, Mr. Prashant Sinha, learned Counsel for the petitioner, submits that that the petitioner does not press this writ petition subject to leave being granted to approach this Court with appropriate application, in future, if situation so warrants.

Having considered the matter in its entirety and in the interest of justice, we close this writ petition with liberty granted to the petitioner to approach this Court with appropriate application, in future, if the situation so warrants.

We also make it clear that except in extraordinary circumstances, respondent No.4 shall make all sincere endeavour

to adhere to the scheme of selection, which has been drawn up by them, in the light of the averments made in paragraph 4 of the affidavit aforementioned, and if any change is required to be made, it shall be ensured by respondent No.4 that no discrimination takes place, while declaring the result of RMO.

With the above observations and directions, this writ application shall stand disposed of.

(I.A. Ansari, ACJ)

(Anjana Mishra, J)

A.I./-

U			
---	--	--	--