

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16657 of 2017**

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Kashish, Daughter of Sri Subodh Kumar, Resident of Mohallah- Krishna Nagar, P.S.- Barbigha, District- Sheikhpura (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Bihar School Examination Board, Patna through its Secretary.
3. The Chairman, Bihar School Examination Board, Patna.
4. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

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**Appearance :**

|                      |   |                                   |
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| For the Petitioner/s | : | Mr. Jitendra Kumar Pandey         |
| For the State        | : | Mr. Nishant Kumar Jha, AC to SC28 |
| For BSEB             | : | Mr. Gyan Shankar                  |

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      29-11-2017      Heard learned Counsel for the parties concerned.

The petitioner has appeared for the Intermediate examination in science stream, held by the Bihar School Examination Board, in the year 2017.

This writ application has been filed for a direction to the Board to add 12 marks to the present score of the petitioner in the subject of Physics, in which, she has been declared *fail*. The relief is being sought on the premise that questions worth 12 marks were out of the syllabus and, therefore, this much of marks should be added.

There is an alternative prayer for a direction to supply the petitioner's answer sheet of the said subject Physics.



So far as the first part is concerned, the Court cannot issue a direction to the Board to add 12 marks to the petitioner's present score on the ground that certain questions were out of the syllabus.

Learned Counsel for the petitioner has submitted that some of the examinees, who had attempted those questions which were out of the syllabus, they have been awarded marks despite the fact that their answers were not technically correct.

It is, however, not the case of the petitioner that she had also attempted those questions and she has not been given any marks against answers to those questions.

It further transpires that the petitioner had appeared for the compartmental examination, held in July, 2017, where also the petitioner failed in the said subject.

No relief, as sought in the writ application, in that background, can be allowed.

However, my attention has been drawn to the fact that the petitioner has applied for supply of her answer sheet in the said subject under the Right to Information Act, 2005.

There is provision for appeal against non-supply of information or wrong supply of information under the said Act, which the petitioner could have availed.



However, learned Counsel appearing on behalf of the Board states that the copy of the petitioner's answer sheet shall be supplied by the Board within a period of four weeks from today, subject to deposition of cost, as required to be paid under the Act.

This application stands disposed of in view of the stand taken on behalf of the parties.

Prabhakar Anand/-

**(Chakradhari Sharan Singh, J)**

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