

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.981 of 2016
IN
Civil Writ Jurisdiction Case No. 2732 of 2013**

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Madhuri Kumari, daughter of Brij Deo Choudhary, resident of Mohalla- Kurji,
Police Station- Digha and District- Patna

.... Appellant/s

Versus

1. The State of Bihar
2. The Controller of Examination, Bihar Combined Entrance Competitive Examination Board, I.A.S. Association Building, Near Airport, P.S. Airport, District- Patna
3. The Secretary, Bihar Combined Entrance Competitive Examination Board, I.A.S. Association Building, Near Airport, P.S. Airport, District- Patna
4. Officer on Special Duty, Bihar Combined Entrance Competitive Examination Board, I.A.S. Association Building, Near Airport, P.S. Airport, District- Patna
5. Information Officer, Bihar Combined Entrance Competitive Examination Board, I.A.S. Association Building, Near Airport, P.S. Airport, District- Patna
6. The State of Bihar through Principal Secretary, Education Dept. Govt. of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No-2

For the Respondent/s : Mr. MANIKANT MISHRA- GP25

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-05-2017

Seeking exception to an order dated 4.2.2016 passed by
the learned Writ Court in C.W.J.C. No.2732 of 2013, this appeal has
been filed under Clause 10 of the Letters Patent.

Petitioner appeared in the Bihar Combined Entrance
Competitive Examination, 2011 conducted by the Bihar Combined
Entrance Competitive Examination Board. When the petitioner
appeared before the Board for counseling on 10.11.2011, it seems



that after verification of the handwriting of the petitioner along with her handwriting on the original answer sheet, the committee members found various discrepancies and even the photograph of the petitioner during the examination was not matching. As a result, a complaint and an F.I.R. was lodged and a case was registered against the petitioner for offences under Sections 419, 420, 468 and 34 of the Indian Penal Code. The petitioner filed a writ petition seeking a direction for grant of appointment in pursuance of the examination undertaken and in C.W.J.C .No.4875 of 2012 a Bench of this Court observed as under:

“The petitioner deserved retribution. In absence of any challenge to the First Information Report, the Court refrains, and leaves her to pursue such remedies as she may be advised both with regard to the police report and retribution.”

Thereafter the criminal case initiated against the petitioner was challenged before this Court and the criminal prosecution was also quashed. Contending that as the petitioner was proceeded in the criminal case without any just cause or reason, seeking compensation the writ petition was filed and the writ Court after examining various aspects of the matter, including the judgment in the case of Ram Lakhan Singh vs. Stat of Uttar Pradesh, 2015 (16) SCC 715, refused to grant compensation to the petitioner and while doing so observed that the counseling committee on



examination of the handwriting in registering of the First Information Report acted in a manner of haste. They could have acted in a more careful manner while dealing with a citizen, but as no mala fides were found, the writ Court observed as under:

“The reliance placed by the petitioner on Dr. Ram Lakhan Singh (supra) appears inappropriate. In the said judgment, the Hon’ble Apex Court noted diverse special features in detail and in view of the peculiar facts and circumstances of the case as also considering the long litigation fought by him wherein he was ever denied payment of the retiral dues for a pretty long time, the judgment was passed for payment of compensation. Those special features of the case lack in the present case. That apart, the petitioner is seeking relief of grant of compensation in the public law. The magnitude of the damage or sufferings either physical or mental or the loss of her image in the society suffered by her cannot be appraised by this Court. Normally, in such matters, the Writ Court is reluctant in determining the quantum of such damage. It is a matter of evidence. The petitioner has remedy in private law.

In the light of the observations made above, in the considered opinion of this Court, the relief cannot be granted to the petitioner by invocation of the extraordinary and discretionary writ jurisdiction of the Court. The writ application is dismissed.”

The learned Writ Court dismissed the writ application holding that it was not a fit case where discretionary writ jurisdiction can be exercised.



In our considered view, in the facts and circumstances of the case, and for the reasons as detailed hereinabove, the writ Court has not committed any error in refusing to exercise its extraordinary jurisdiction. We find no reason to interfere into the matter.

The petitioner may, if advised, may seek invoking the jurisdiction under the common law for grant of compensation. The appeal is dismissed with the aforesaid liberty to the petitioner.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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