

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5806 of 2017

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Awadhesh Kumar Son of Mulchand Rai, resident of Village - Ram Charan Chhatni,
P.O. Dhobiya Kalapur, P.S. Naubatpur, District - Patna.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Human Resources Development, Govt. of India, New Delhi.
2. The Central Board of Secondary Education through its Chairman, Shiksha Sadan, 17, Rouse Avenue, New Delhi - 110002.
3. The Secretary, Central Board of Secondary Education, Shiksha Sadan, 17, Rouse Avenue, New Delhi - 110002.
4. The Controller of Examination, Central Board Secondary Education, Shiksha Sadan, 17, Rouse Avenue, New Delhi - 110002.
5. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Prashant Sinha, Advocate
For the C.B.S.E. : Mr. V.K. Tripathy, Advocate
For the State : Mr. Amarendra Kumar, AC to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-04-2017

Challenging a notification contained in Circular dated 13th of January, 2017 issued by the Central Board of Secondary Education, whereby a mandatory Board Examination for students prosecuting a course of study in Class X for the academic session 2017-18 has been introduced, this petition has been filed in Public Interest.

Petitioner has filed this writ petition and various grounds are raised to say that introduction of a Board Examination for the class in question is arbitrary, illegal and detrimental to the interest of the students. A Central Board of Secondary Education consists of



experts in the field of education and after due deliberation they have taken a decision. It is a policy decision, executive in nature taken by the experts in the field education and in the absence of any statutory rule or provision being shown to be violated or constitutional provision breached, a writ court is not supposed to enter into this area of expert consideration and issued a mandamus. In this petition except for contending that the decision is arbitrary and detrimental to the interest of students, no statutory rule or regulation or constitutional provision is shown to have been violated.

That being so, we are not inclined to interfere into the matter. The petitioner may take up the issue with the concerned authorities of the expressing body and it is for the body concerned to consider the grievance of the petitioner and take such steps as may be permissible with regard to the same.

With the aforesaid liberty to the petitioner, finding no case for making any indulgence into the matter, we dispose of the writ petition.

(Rajendra Menon, CJ)

Narendra/-

(Sudhir Singh, J)

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	05.05.2017
Transmission Date	

