

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9207 of 2016

=====

Sudhir Kumar, Son of Late Saudi Singh, at present resident of Road No. 7, Indira Nagar, Postal Park, P.S. Jakkanpur, Town and District-Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Bihar School Examination Board, Patna through its Chairman.
5. The Chairman, Bihar School Examination Board, Patna.
6. The Secretary, Bihar School Examination Board, Patna.

.... Respondents

=====

Appearance :

For the Petitioner : None.
For the State : Mr. Mritunjay Kumar, A.C. to A.A.G. 6.
For the B.S.E.B. : Mr. Gyan Shankar, Advocate.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-05-2017

None appears for the petitioner. Mr. Mritunjay Kumar and Mr. Gyan Shankar representing the State and B.S.E.B. respectively, are present.

This writ petition by way of a Public Interest Litigation has been filed with a prayer that the respondents be restrain from introducing Board's Examination in Class-IXth for the Session- 2016.

Apart from the fact that the Academic Session and the examination to be held in June, 2016 is already over, the question as



to whether the Board Examination has to be held in particular class is the matter exclusively within the administrative/executive policy making jurisdiction of the authority concerned based on expert opinion. This Court, in the absence of expertise to assess the necessity of Board’s Examination for a particular Class, cannot issue a mandamus merely because this petition is filed in public interest.

In view of the above, we see no reason to make any indulgence into the matter. The petitioner shall have liberty to take up the issue before the competent authority of the State Government.

With the aforesaid liberty, the petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

U.K./-

AFR/NAFR	NAFR
CAV DATE	N/A.
Uploading Date	19.05.2017
Transmission Date	

