

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19851 of 2015

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Salma Ashraf Daughter of Jamil Asharf, Resident of Village Amari, Tola Hulasi,
P.O. Amari, P.S. Khodawandpur (O.P. Chhaurahi), District - Begusarai.

.... Petitioner

Versus

1. The State of Bihar
 2. The Principal Secretary, Education Department, Bihar, Patna.
 3. The Director, Higher Secondary Education, Bihar, Patna.
 4. The Chairman, Bihar State Madarsa Education Board, Patna.
 5. The Secretary, Bihar State Madarsa Education Board, Patna.
 6. The Examination Controller, Bihar State Madarsa Education Board, Patna.
 7. The Centre Superintendent, 186-Balika Uchcha Vidyalaya, Rosera, Samastipur.
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate
Mr. Md. Hussamuddin Azad, Advocate
For the Madarsa Board: Mr. Rashid Alam, Advocate
For the State : Mr. Kamlesh Kishore, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 04-04-2017

Heard learned counsel for the petitioner, learned
counsel for the Bihar State Madarsa Education Board, Patna and
learned counsel for the State.

The petitioner seeks declaration of result of
Madarsa examination held in the year 2012. It is her claim that
she has wrongly been declared absent against various subjects in
the mark-sheet issued to her for the said examination, though
she had appeared and written the papers.

Learned counsel for the petitioner has submitted
that nearly six months after the result was made available to the
petitioner, she had approached the Information Officer under the
Right to Information Act, seeking the attendance register of the



said examination, on basis of which she was declared absent on various dates. Two years thereafter, Bihar State Madarsa Education Board is said to have destroyed the documents relating to the said examination.

It is evident from the materials on record that the said result was published in the year 2012, showing the petitioner absent. No application was filed before the authorities raising any grievance that she was wrongly shown to be absent, instead she has filed application under the Right to Information Act. In such circumstances, no relief can be allowed to the petitioner.

The petitioner is said to be suffering from 65% physical disability arising out of post-polio residual paralysis in both lower limbs. In such circumstance, it is observed that if the Bihar State Madarsa Education Board can make out from the documents available on record, they may take a decision on the petitioner's claim for publication of result.

With the aforesaid observations, this application stands dismissed.

(Chakradhari Sharan Singh, J.)

Rajeev/-

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