

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4507 of 2014
In
Civil Writ Jurisdiction Case No. 8051 of 2013

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1. Manish Kumar Pandey son of Dadan Pandey, resident of Mohalla- Teacher Colony, Charitravan, P.O. and Police Station- Buxar, District- Buxar.

2. Sadhana Kumari daughter of Indradeo Ray, wife of Rajesh Kumar, resident of Mohalla- Garha, P.O. Bochaha, Police Station- Ahiapur, District- Muzaffarpur.

3. Tanu Priya daughter of Shambhu Prasad Singh, resident of village- Hasan Chak Bangra, P.O. Purushottampur, Police Station- Sadar, District- Muzaffarpur.

4. Mustak Ansari son of Muslim Ansari, resident of village- Majhwaliya, P.O. Majlispur, Police Station- Kopa, District- Saran(Chapra).

5. Bhanu Ram son of Ramsoorat Ram, resident of village- Larma, P.O. Karmnasa, Police Station- Durgawati, District- Kaimur(Bhabua).

6. Shankar Prasad Yadav son of Rajendra Prasad Yadav, resident of village- Narar Gulariyatol, P.O. Narar, Via - Jaynagar, Police Station - Kaluahi, District- Madhubani.

7. Ashok Kumar son of Late Ram Nandan Singh, resident of village- Pathrahat, P.O. Pathrahat, Via- Punpun, District- Patna.

8. Md. Murtuza Hussain son of Md. Gulab, Resident of village- Dharhara, P.O. Mahadeo Math, Police Station- Andhra Math, District- Madhubani.

9. Satya Narayan Das Verma son of Jadunandan Das Verma, Resident of village- Bichhule, P.O. Bichhule, Police Station- Sikandra, District- Jamui.

10. Daya Sagar Verma son of Satya Narayan Prasad Verma, Police Station- P.S. Sikandara, District- Jamui.

11. Ajay Kumar Son of Mahendra Rai, resident of Village- Bajibpur Hussaina P.O.- Rusulpur Korigawn, Police Station- Goraul, District- Vaishali.

.... Petitioner/s

Versus



1. The State of Bihar.

2. Mr. R.K. Mahajan, the Principal Secretary, Education Department, Govt. of Bihar, Patna.

3. Mr. M. Saravanan, the Director, Primary Education/ Upper Primary (Middle) Education, Govt. of Bihar, Patna.

4. Mr. Ram Bujhavan Chaudhary, the Director, Secondary/Higher Secondary Education, Govt. of Bihar, Patna.

5. Mr. (Sri) Niwas Chandra Tiwari, the Secretary, Bihar School Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar, Advocate

For the Respondent/s : Mr. Lalit Kishore, Advocate General
Mr. Manish Kumar, Adv.
Mr. Sanjay Kumar, AC to GP 17

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9. 08-09-2017 Heard learned counsel for the petitioners and learned Advocate General appearing on behalf of the Bihar School Examination Board.

A second supplementary show cause has been filed on behalf of the Bihar School Examination Board in which they have categorically stated and annexed the letter of the company to which the OMR answer sheets have been assigned for assessment. The letter which has been sent to the Secretary, Bihar School Examination Board, Patna on 26.06.2014 itself indicates that the OMR answer sheets of BSITET Examination, 2011 could not be found as the same have been destroyed/misplaced/damaged with the efflux of



time.

It has been submitted that many answer sheets have also been destroyed and since the same could not be located they have declined to sent the same to the Bihar School Examination Board, Patna. The list of OMR answer sheets is not found in reply to BSEB query which has also been annexed in the said show cause.

Having heard learned counsel for the parties, it appears that BSEB has made consistent efforts to locate the OMR answer sheets which could not be made available, as the same is not present in their office but is with the agency to which it had been outsourced. It cannot be said that there has been non-compliance of the order passed by this Court. In the case of some of the persons who had applied under RTI Act, the Board did supply the OMR sheets, but in view of the fact that the OMR answer sheets were not sent with regard to the present petitioners from the outsourced agency, the Board is unable to produce the same before the Court.

In the result, there appears to be substantial compliance of the order passed by this Court. Accordingly, the contempt application stands disposed off with liberty to the petitioners to take recourse of appropriate remedy as may



be available to them in accordance with law.

The personal appearance of the Secretary, Bihar
School Examination Board, Patna is dispensed with.

Jagdish/-

(Anjana Mishra, J)

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