

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11115 of 2018

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Khushdil Kumar son of Shri Rajaniti Sharma, resident of village - Gago
Bigha, P.O. & Police Station - Parwalpur, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of
Bihar, Patna.
3. The Bihar School Examination Board (Higher Secondary) through its
Chairman.
4. The Chairman, Bihar School Examination Board (Higher Secondary), Bihar,
Patna.
5. The Secretary, Bihar School Examination Board (Higher Secondary), Bihar,
Patna.
6. The Examination Controller, Bihar School Examination Board (Higher
Secondary), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Satybir Bharti, Advocate
Mr. Alok Chandra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-07-2018



This Public Interest Litigation has been filed by the petitioner and the grievance canvassed is that in the Matriculation and Intermediate examination conducted by the Bihar School Examination Board, Patna various illegalities have been committed. Pointing out that in the subjects of Physics, Chemistry and Mathematics questions were asked beyond the syllabus prescribed and there was protest by the students, as is indicated in the newspaper, the writ petition has been filed.

Except for filing newspaper cutting showing protest by the students with regard to the examination conducted, not an iota of evidence, prima facie in nature, is pointed out by the petitioner to point out as to in which subject what was the syllabus, how the petitioner says that the question asked were out of the syllabus and no specific instance of illegalities has been pointed out in the body of the writ petition or in the pleadings, as has been made in the writ petition.

At the instance of the petitioner, based on such a pleading, we are not inclined to interfere into the matter, merely because some news item has come in the newspaper about the illegalities. News items in the newspaper cannot be taken cognizance of in such matters and, therefore, we see no reason to make any indulgence into the matter. If any student has any



grievance with regard to the examination conducted, as is canvassed, he is at liberty to canvass it in his capacity as an aggrieved person but at the instance of the petitioner based on the pleadings that have come on record, we are not inclined to use our extraordinary jurisdiction under Article 226 of the Constitution, that also in a Public Interest Litigation.

The writ petition is, therefore, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	30.07.2018
Transmission Date	

