

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3117 of 2018

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Ambika Bhawani Public School, Bhagwanpur, Biwiganj, Muzaffarpur, P.O. Bhagwanpur, P.S. Sadar Bhagwanpur, District - Muzaffarpur through its Chairman, Rajesh Kumar Singh @ Rajesh Kumar son of Paras Nath Singh resident of Baniya, P.O. Bakhra, P.S. Saraiya, District Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Old Secretariat, Bailey Road, Patna, Bihar.
2. The Principal Secretary, Education Department, Old Secretariat, Bailey Road, Patna, Bihar.
3. The District Magistrate, Muzaffarpur.
4. The District Education Officer, Muzaffarpur.
5. The Bihar School Examination Board, Buddha Marg, Patna through its Secretary.
6. The Secretary, Bihar School Examination Board, Buddha Marg, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi
For the State	:	Mr. Ashutosh Ranjan Pandey-AAG-15
		Mr. Prabhat Ranjan Singh, AC to AAG 15
For the BSEB		Mr. Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 16-04-2018 Heard counsel for the parties.

The petitioner is a privately-managed educational institution affiliated to the Central Board of Secondary Education upto senior secondary level.

This writ application has been filed through the Chairman of the school seeking quashing of the letter dated 19.12.2017 of the District Education Officer, Muzaffarpur, whereby the school was made an examination centre for holding the secondary school examination, 2018 from 21.02.2018 to



28.02.2018. Subsequent reiteration of the said decision through a communication dated 29.01.2018 of the District Magistrate, Patna and other communications dated 14.01.2018, 06.01.2018 and 20.01.2018, issued by the District Education Officer, Muzaffarpur, have also been put to challenge.

The sole grievance of the petitioner is that the institution being affiliated to the Central Board of Secondary Education, the Bihar School Examination Board cannot declare the said school as examination centre without consent.

A counter affidavit has been filed on behalf of the Bihar School Examination Board.

My attention has been drawn to paragraph 11 of the letter dated 18.11.2017, issued by the Chairman of the Bihar School Examination Board which contains, *inter alia*, the guidelines for selection of the examination centre and appointment of Centre Superintendent. It has been mentioned in paragraph 11 that before declaration of an examination centre, consent should be obtained from the institution concerned.

Learned counsel, appearing on behalf of the Board, has submitted that there is no question of compelling any institution to provide its premises for the purpose of holding the examination. An examination centre can be declared only after



obtaining the consent of the concerned school. He has also submitted that the petitioner has not approached the Board raising any grievance over declaration of the institution as examination centre for holding examination.

The matter pertains to the examination schedule in February, 2018 which is already over. For all practical purposes, this writ application has become infructuous. If for subsequent examination any decision is taken for declaring the present school as examination centre by the Board, it will be open to the petitioner to raise his objection and refuse his consent to provide the premises of the school as an examination centre.

This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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