

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20919 of 2018

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Vishal Kumar, S/o Dinesh Kumar, R/o Village-Baksama, P.O-Baksama, P.S.-
Garaul, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Govt. of Bihar, New Secretariat Patna.
2. The Director, Secondary Education, Govt. of Bihar, New Secretariat, Patna.
3. The President, Bihar School Examination Board, Patna.
4. The Secretary, Bihar School Examination Board (Senior Secondary), Patna.
5. The Examination Controller (Senior Secondary), Bihar School Examination Board.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar
For the State	:	Ms. Shilpa Singh, GA-12
		Mr. Ram Vinay Prasad Singh, AC to GA-12
For the B.S.E.B.	:	Mr. Gyan Shankar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 30-10-2018

Heard learned counsel for the parties.

The petitioner is seeking a direction to the respondent-Bihar School Examination Board to produce his answer sheet of Chemistry Paper of Intermediate Examination (compartmental), held by the Bihar School Examination Board in 2018. The petitioner was awarded 'zero' mark in Chemistry (theory) Paper in the annual examination. Subsequently, when he appeared in compartmental examination, again he has been awarded 'zero' mark. It is the case of the petitioner that it is highly improbable that he would be scoring 'zero' mark repeatedly in annual examination and subsequent compartmental examination and,



therefore, a direction should be given to the Board to produce the answer sheet.

It is the case of the petitioner that he has applied for scrutiny of the answer sheet before the Board, but the Board has so far not communicated the outcome of scrutiny.

From the pleadings on record, it does not appear that the petitioner has taken any step for obtaining his answer sheet under the Right to Information Act, to make out his case that evaluation of his answer sheet is arbitrary. I am not ready to accept the submission that award of 'zero' mark in the compartmental examination too is not probable. The marks in examination is awarded on the basis of evaluation of the answer sheet.

However, in the facts and circumstances of the case, I direct the Bihar School Examination Board to ensure that if the scrutiny of the answer sheet, has not been done so far, should be done forthwith and its outcome be communicated to the petitioner within three weeks from the date of receipt/production of a copy of this order.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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