

**IN THE HIGH COURT OF JUDICATURE AT
PATNA**

Letters Patent Appeal No.133 of 2018

In

Civil Writ Jurisdiction Case No.14669 of 2017

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Md. Shanur Rahman, Son of Razaur Rahman, resident of Shah
Kamal Road, Lodipur Katra, Jhauganj, Patna City.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Chairman, Bihar School Examination Board, Patna.
4. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Bhushan Kumar, Advocate

For the Respondent/s: Mr. Ashutosh Ranjan Pandey-AAG 15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 09-07-
2018

Now the only question which we are required
to see is with regard to supply of answer book to the
petitioner under Right to Information Act.

In view of the judgment of Supreme Court in



the case of **Central Board of Secondary Education and another Versus Bandopadhyay and others, (2001) 8 SCC 497**, on 09.03.2018 we had directed the Board to show cause as to why the answer book cannot be supplied in view of the aforesaid judgment.

Now, from the counter affidavit filed by Board from para 6 onwards, it is submitted that answer book can be supplied only if the petitioner applies under the Right to Information Act.

The learned counsel for the petitioner invites our attention towards the application filed by the petitioner before the Board and produces a copy of the application filed under the Right to Information Act alongwith a requisite fee and submits that the petitioner has already done so.

If that be so, if the petitioner files a certified copy of this order alongwith relevant application, the concerned officer shall pass an appropriate order with regard to supply of answer book within one week from the date of appearance of parties and ensure the



compliance of the judgment of the Supreme Court in accordance with law.

In case, the concerned respondent is of the opinion that answer book cannot be supplied, it would be incumbent upon the officer to record reasons for the same.

On receipt of the answer book, the petitioner shall be at liberty to approach the competent authority to show the callousness or manifest error in evaluation of answer book and seek consequential relief thereon.

With the aforesaid, the matter stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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