

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14967 of 2018

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Rajni Kant, through his natural guardian the father Ramesh Prasad Singh, son of Bachchoo Prasad Sharma, resident of Village- Rewra, P.O. Bauri, P.S. Kashi Chak, Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board, through its Chairman, Office Situated at Budh Marg Patna, P.S.- Kotwali, District- Patna.
2. The Secretary, Bihar School Examination Board, Budh Marg, Patna, P.S.- Kotwali, District- Patna.
3. The Examination Controller, Bihar School Examination Board, Budh Marg, Patna, P.S.- Kotwali, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Sharan Sharma
For the Respondent/s	:	Mr. Lalit Kishore
For the B.S.E.B.	:	Mr. Namrata Mishra

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-09-2018 Heard learned counsel for the parties.

The petitioner had appeared for Intermediate Examination, 2018, held by the Bihar School Examination Board. He has been declared 'fail' on the basis of his performance in English (compulsory), Chemistry and Mathematics (optional) papers. In English, he has been awarded '0' mark whereas in Chemistry and Mathematics his score is '04' and '11' respectively. He had applied for scrutiny but without any positive result in his favour.

The petitioner contends that he was declared 'pass' in 10th Board Examination, held by the Central Board of Secondary



Education with 10 C.G.P.A. and has qualified for admission in engineering course through West Bengal Joint Entrance Examination, 2018.

Learned counsel appearing on behalf of the petitioner submits that keeping in mind the petitioner's success in other examinations and his performance in 10th Examination, it is highly improbable that his score in English, Chemistry and Mathematics would be so poor.

A counter affidavit has been filed on behalf of the Bihar School Examination Board, taking a plea that there is no provision for re-evaluation and, therefore, this Court may not issue any direction for re-evaluation of his answer-sheets.

Mrs. Namrata Mishra, learned counsel, appearing on behalf of the Board, has submitted that since no case has been made out of exceptional circumstance, no direction as sought in the writ application, need be issued.

In the Court's view, merely on the pleadings that the petitioner's performance in other examinations has been excellent, the Court cannot issue direction for re-evaluation for which there is no provision under the Regulation.

Mrs. Mishra, learned counsel for the Board, is correct in her submission that no exceptional circumstance exists for



this Court to issue direction for re-evaluation.

No direction, therefore, as sought, can be issued.

Learned counsel for the petitioner has submitted that despite efforts having been made for obtaining his answer-sheets under the Right to Information Act, the Bihar School Examination Board has not even accepted his application. The petitioner has a remedy of appeal under the Right to Information Act for obtaining the documents. This Court needs not comment on such aspect of the matter.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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