

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6173 of 2018

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Saurabh Kumar, Son of Shankar Kumar Sharma, Resident of Village-Shitalpur Bazar, P.S.-Dighbara, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.
4. The Head Master, Ram Jangal Singh Inter Vollege Dighbara, P.S.-Dighbara, District-Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar
For the Respondent/s	:	Mr. Amit Bhushan, AC to GP-17
For the BSEB	:	Mr. Ajay

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 02-08-2018

Facts are not at all in dispute. This is yet another glaring example of gross failure on the part of Bihar School Examination Board (hereinafter referred to as ‘the Board’), which has certainly caused irreparable damage to the career of a young boy, who had appeared in class 12 Examination held by the Board in 2017. When the results of the examination were published, the petitioner was shown to have secured 32 marks in the subject ‘Alternative English’. With the said marks, he was placed in first division having secured 324 marks in the aggregate. The petitioner had, however, grievance against evaluation of his ‘Alternative English’



paper and other two papers. He had applied for scrutiny within the stipulated time in response to a notice issued by the Board in this regard. The application for scrutiny was made on 09.06.2017. The outcome of the scrutiny was put on the *website* of the Board. The Board found that no change was required in respect of two subjects, the petitioner's score in 'Alternative English' was brought down to '02' from '32'. Consequently, the petitioner was declared 'fail' with the issuance of a revised mark-sheet, after scrutiny. The statement of marks issued after scrutiny has been brought on record by way of Annexure-5, in which the petitioner has been declared 'fail'.

It is also not in dispute that the petitioner thereafter sought a copy of his answer sheet of 'Alternative English' paper under the Right to Information Act, 2005 from the Board. The application seeking information was made on 24.07.2017. The Board does not dispute that a copy of the answer sheet was not supplied to him despite being demanded under the Right to Information Act. A statement has been made in the writ application that the petitioner filed a representation also before the Secretary of the Board in this regard, objecting particularly to the outcome of scrutiny of his 'Alternative English' paper. The grievance of the petitioner is that despite such representation, the



Board did not respond. It is, however, the stand of the Board that it did not receive any such application from the petitioner.

The petitioner was thus left with no other option and was compelled to approach this Court by filing the present writ application on 02.04.2018.

It transpires that it was only after filing of the present writ application, that the authorities of the Board woke up from their slumber and verified the petitioner's answer sheet of 'Alternative English' paper to find out that the petitioner was in fact entitled for '32' marks.

A counter affidavit has been filed on behalf of the Board stating that once the Board learnt about the petitioner's grievance in the present writ application, the authorities verified the records. It has been stated that the mistake has since been rectified and corrected, the fresh result has been issued in favour of the petitioner. He has again been declared pass with first division.

Learned counsel appearing on behalf of the Board submits that upon the corrected mark-sheet having already been issued, this writ application has become infructuous.

Learned counsel appearing on behalf of the petitioner, on the other hand, contends that the results were declared in May 2017 and till date, the petitioner is fighting for his correct mark-



sheet. He has submitted that the petitioner lost two academic sessions because of the misdeeds of the Board. The petitioner could not get admission in 2017-18 session. He has bleak chance of admission in the academic session 2018-19 also since the classes have commenced and admissions are over in various courses.

The conduct of the Board and its approach is highly deplorable. Officials of the Board appear to be insensitive towards the sufferings of the students which they are compelled to undergo. The stand taken on behalf of the Board, in the Court's opinion, is shameless. In my view, this is a fit case, in which exemplary cost needs to be imposed. Though the petitioner's grievance has been redressed but since it has been done after more than one year of publication of result after filing of the present writ application, I direct the Board to pay to the petitioner a sum of Rs. 1,00,000/- (One Lakh) within four weeks from receipt/production of a copy of this order keeping in mind irresponsible behaviour of the Board.

This writ application stands allowed.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	14.08.2018
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