

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.128 of 2019

In
Civil Writ Jurisdiction Case No.24353 of 2018

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Satyam Kumar, son of Indu Bhushan, resident of Village- Ghosaith, Police Station- Pri Bazar, District- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Bihar School Examination Board through its Secretary Budh Marg, Patna.
3. The Bihar School Examination Board, Patna having its office at Budh Marg, Patna
4. The Chairman, Bihar School Examination Board, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Jai Prakash Singh, Advocate
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (AAG-15)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 06-03-2020 The appeal filed on 16.01.2019 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the appellant and learned
counsel for the respondents.

The instant Letters Patent Appeal has been preferred
against the order dated 17.12.2018 passed by a learned Single
Judge of this Court in C.W.J.C. No. 24353 of 2018, titled as
Satyam Kumar Vs. The State of Bihar & Ors., whereby the writ
petition has been dismissed.



The impugned order dated 17.12.2018 passed in C.W.J.C. No. 24353 of 2018 is reproduced, in toto, herein under:-

“Heard learned counsel for the parties.

2. The petitioner is seeking direction to the respondents to re-evaluate the English and Chemistry papers of his Compartmental Examination of Intermediate held by the Bihar School Examination Board in the year 2018. The petitioner has brought on record his answer-sheets of the aforesaid two papers to make out a case that the marks have not been duly awarded against various questions. However, on the other hand, there is no pleading in the writ application as to which answer of the petitioner has been incorrectly evaluated by the Evaluator.

3. In any view of the matter, sitting in writ jurisdiction, the Court cannot direct for reevaluation of the answer-sheets unless some exceptional case is made out. The petitioner had failed in his annual examination also in Chemistry paper.

4. In such circumstance, I do not find any merit in this application.

5. This petition has no merit and it is, accordingly, dismissed.”

Learned counsel for the State invites our attention to Rule-20 of Chapter-V of the Bihar School Examination Board Regulation, 1964 which reads as under:



“20. Scrutiny.- (a) Candidates, who desire to get their answer book scrutinised may apply for the same within one month of date of publication of the Board’s result. The application for scrutiny must be accompanied in such case by a fee of Rs. 5/- (Five) per paper, minimum Rs. 10/- (Ten) and maximum of Rs. 30/- (Thirty) only. No such application will be entertained unless the same forward by the Head of Institution from which the candidate appeared with a certificate to the effect that he is convinced that there is strong and sufficient ground for such scrutiny.

(b) Scrutiny will not imply re-examination of the answer-books of a candidate. It will merely be a check to ensure whether there has been any mistake in totalling the marks assigned to individual question or in carrying them over or any omission to mark a question or part thereof.

(c) The result of scrutiny will be communicated to the Head of Institution and the candidate concerned.

(d) The fee paid for scrutiny of answer books shall not be refunded.”

The Rules do not provide for supply of answer-sheet.

As such, as per the settled law, there being no provision for re-evaluation of the answer-sheets, the Writ Court rightly did not allow the petitioner’s prayer. Liberty already stands granted to the appellant to obtain necessary information under the



provisions of Right to Information Act, which is the appellant’s prayer.

As such, no interference is warranted. The order cannot be said to be perverse or illegal in any manner.

The appeal stands disposed off.

(Sanjay Karol, CJ)

(S. Kumar, J)

ved/-

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