

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7628 of 2020

Grassroot Empowerment and Development by Youth through its Co-Founder and Assistant Executive Program Director, Ms. Nalini Mishra D/o. Shri Dhananjay Mishra having its registered office at A- 85, Radhey Shyam Park Extension, New Delhi- 110051.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Department of Education, Government of Bihar
2. Bihar Board of Open Schooling and Examination through the Chief Executive Officer OSD, HRD Department, Government of Bihar Office at Chanakya National Law University Nyay Nagar, Mithapur Patna- 800001

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Mayuri, Advocate

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

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 28-09-2020

Present writ petition has been filed in form of PIL for following reliefs:-

“This is an application on behalf of the petitioner for issuance of a writ in the nature of mandamus or any other appropriate writ(s), order(s), direction(s) to direct the respondents to come up with a policy regarding the promotion of the Class Xth and XIIth students in line with the other boards like CBSE, ICSE and NIOS which have already promoted their students on the basis of the internal assessment.

To issue a writ in the nature of mandamus or any other appropriate writ(s), order(s), direction(s) to direct the respondents to take immediate action/decision for the welfare of the students enrolled in class Xth and XIIth as the



admission and enrolment in the Universities have been initiated.

To issue a writ in the nature of mandamus or any other appropriate writ(s), order(s), direction(s) ,to order the respondent authorities to promote the class Xth and XII students enrolled with the Bihar Board of Open Schooling and Examination (hereinafter referred as “BBOSE”) on the basis of the Tutor Marked Assignment (hereinafter referred as “TMA”).

To issue a writ in the nature of mandamus or any other appropriate writ(s), order(s) direction(s) to order the respondent authorities to immediately announce the cancellation of the examination for the students enrolled in Class Xth and XIIth in the BBOSE.”

Counter affidavit has been filed on behalf of respondent no.2, Bihar Board of Open Schooling and Examination in which it has been stated that Board has already resolved to conduct the examination of Class X and XII from 3rd October, 2020. It has been further stated that Board has devised a plan that those students who are unable to appear in the examination for whatsoever reason, they will be given opportunity to appear in special examination which may be conducted by Board as and when feasible so that the students is not put to any inconvenience or disadvantage and those students who are urgently in need of certification may apply for on demand examination which will be conducted in the campus of Chanakya Law University and will be conducted within a short span of time.



From the averments made in the counter affidavit, it appears that grievance of the petitioner stands redressed by the respondent - Bihar Board of Open Schooling and Examination and there is no need to continue this proceeding any further.

The writ petition is accordingly disposed of, however, if any grievance of the petitioner still survives, liberty reserve to it to take recourse to such remedies as are otherwise available in accordance with law.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.10.2020
Transmission Date	NA

