

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1484 of 2018

In
Civil Writ Jurisdiction Case No.17485 of 2018

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Vidya Kumari Daughter of Surendara Prasad Gupta Resident of Village-
Pahetia, P.S.-Dharahara District-Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Human Resource Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary Human Resource Development Department, Govt. of Bihar, Patna.
3. The Director Higher Secondary, Human Resource Development Department, Govt. of Bihar, Patna.
4. The Secretary, Bihar School Examination Board.
5. The Examination Controller, Bihar School Examination Board.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Surendra Kumar Singh, Adv.
	:	Mr. Vaishav Vikram Singh, Adv.
	:	Mr. Priyadorshini, Adv.
	:	Mr. Tulika Singh, Adv.
For the State	:	Shri Lalit Kishore, AG
For the Respondent/s	:	Mr.Ashutosh Ranjan Pandey

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

(Per: HONOURABLE THE CHIEF JUSTICE)

6 26-02-2020 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The instant appeal has been preferred against the
judgment dated 05.09.2018 passed by a learned Single Judge of
this Court in C.W.J.C. No. 17485 of 2018 titled as Vidya
Kumari Vs. The State of Bihar & Ors.



The impugned judgment/order dated 05.09.2018 passed by the learned Single Judge in C.W.J.C. No. 17485 of 2018 titled as Vidya Kumari Vs. The State of Bihar & Ors., is reproduced in toto hereinunder:

“The petitioner is seeking direction to respondent Bihar School Examination Board to supply true copies of the answer-sheets of the petitioner of her Annual Intermediate Examination, held in the year 2018 by the Bihar School Examination Board.

From the pleadings on record, it appears that the petitioner has invoked Right to Information Act for supply of the said answer-sheets in June 2018.

I do not find any reason to entertain the relief, which is being sought in the present writ application, since the petitioner has a remedy under the Right to Information Act which she has already invoked.

Mr. Surendra Kumar Singh, learned counsel appearing on behalf of the petitioner, contends that, despite making of application in June 2018 under the Right to Information Act, information has not been supplied.

It goes without saying that the petitioner has a remedy of appeal under the Right to Information Act in



case of non-supply of the document,
which she can avail.

With the observation that the
petitioner shall have liberty to avail her
remedy under the Right to Information
act, this application stands disposed
of.”

Learned advocate General 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 forwarded 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 petitioner to obtain necessary information under the provisions of Right To Information Act which is the petitioner's prayer.

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

The appeal stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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