

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.99 of 2019

In
Civil Writ Jurisdiction Case No.6173 of 2018

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1. The Chairman, Bihar School Examination Board Patna
 2. The Secretary Bihar School Examination Board, Patna

... .. Petitioners

Versus

1. Saurabh Kumar Son of Shankar Kumar Sharma R/o Village-Shitalpur Bazar, P.S. Dighbara, District-Saran
2. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna
3. The Head Master Ram Jangal Singh Inter College Dighbara, P.S.-Dighbara, District-Saran

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Satyabir Bharti, Advocate
For the Opposite Party : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 24-11-2021 The Bihar School Examination Board is seeking review of an order dated 02.08.2018 passed in C.W.J.C. No. 6173 of 2018, whereby, *inter alia*, the Board has been directed to pay a sum of Rs. One lakh to the petitioner for the lapses on the part of the Board as noticed in the order.

Facts giving rise to institution of said C.W.J.C. No. 6173 of 2018 have been noted in the order dated 02.08.2018, under review, relevant portion of which reads as under : -

“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."



Considering the facts, as noted above, the Court, while deprecating the approach of the Board, had passed following order : -

“The conduct of the Board and it’s 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.”

Mr. Satyabir Bharti, learned counsel appearing on behalf of the petitioners has submitted that it was because of the fault of the evaluaters that the discrepancy had occurred in the scrutiny and publication of result. He has submitted that the Board may be permitted to recover the said amount of Rs. One lakh, which has been directed to be paid to the petitioner of



C.W.J.C. No. 6173 of 2018, from erring officials/persons.

That goes without saying. The Board shall be at liberty to cause an enquiry and fix individual responsibility, which led to putting the writ petitioner to great hardship.

This review application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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