

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20251 of 2021

Pratima Kumari W/o Rajnish Kumar R/o Ward No. 7, Namapur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
3. The District Education Officer, Samastipur.
4. The District Program Officer (Establishment) Samastipur.
5. The Block Education Officer, Hanuman Nagar, Samastipur.
6. The Bihar School Examination Board, (Higher Secondary) Patna through its Secretary.
7. That Chairman, Bihar School Examination Board, (Higher Secondary), Patna.
8. The Examination Controller, Bihar School Examination Board, (Higher Secondary), Patna.
9. Manisha Kumari W/o Shyam Kumar R/o Village Rampur, P.O. Kalanjar, P.S. Moro, District Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Kameshwar (GP-17)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

- 2 13-10-2022 1. The petitioner by way of this writ petition prays to direct the authorities to verify the intermediate certificate of respondent number 9 and declare the date of issuance of the certificate. The writ petition has been essentially filed as the petitioner's appointment was cancelled and appointment was offered to respondent no. 9 on the basis of higher marks.



2. It appears that the petitioner obtained copy of the certificate of respondent no. 9 under RTI and has taken upon this present litigation with an ulterior motive. This court in writ jurisdiction would not enter into a fishing enquiry with regard to the certificates of any individual. Even otherwise, under RTI, documents of third party could not have been obtained as it being in the nature of personal information is barred in terms of Section 8(J) of the RTI Act, 2005.

3. Be that as it may, on the basis of documents received under RTI the writ petition would not lie.

The Supreme Court in the case of **State of Odisha & Ors. Vs. Arati Mohapatra** as reported in **2021 SCC Online SC 805** held the same.

4. The writ petition being wholly frivolous is dismissed with the cost of Rs.10,000 to be deposited with the Bihar State Legal Services Authority.

(Sanjeev Prakash Sharma, J)

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