

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.493 of 2022

In
Civil Writ Jurisdiction Case No.2166 of 2019

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The Secretary, Bihar School Examination Board (Higher Secondary) Patna.
... .. Appellant/s

Versus

1. Gauri Shankar Sharma, Son of Late Prasadi Sharma, Resident of Village-Sonapur, P.O. and P.S. Hansapur District Begusarai.
2. The State of Bihar.
3. The Central Superintendent of Examination, Project Girls High School Bakhri, Begusarai.
4. The Principal B.K.S.K.S. Inter College, Gorhpura, Begusarai.
5. The Director, Secondary Education-Cum-First Appellate (State Information Officer), Bihar, Patna.
6. The Bihar State Information Commission through its Principal Secretary.
... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Satyabir Bharti, Sr. Advocate Mrs. Prachi Pallavi, Advocate
For the Respondent/s	:	Mr. Raj Kamal Singh, Advocate
For the Respondent No. 6	:	Mr. Ajay Bihari Sinha, Sr. Advocate
For the State	:	Mr. Apurva Kumar, Advocate Mr. Ram Vinay Pd. Singh, AC to GA XII

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA)

Date : 19-03-2025

The instant appeal has been filed against the judgment and order dated 12.07.2022 passed by learned Single Judge in CWJC No. 2166 of 2019 (Gauri Shankar Sharma Vs. The State of Bihar & Ors.) by which a sum of Rs. 10 lacs has been awarded as an exemplary compensation to the student Munmun Sharma who appeared in I.Sc. Examination of year 2012 but her result was declared only on 04.07.2020 i.e. almost



after 8 years.

2. Munmum Sharma (daughter of Ram Prakash Sharma) a regular student at B.K.S. Inter College, Gorhpura, Begusarai appeared in Intermediate (Science) Examination-2012 conducted by Bihar School Examination Board, Patna. She was allotted Roll No. 10373, Roll Code No.-8432, Examination Centre was Project Girl's High School, Bakhri, Begusarai. The admit card was issued and the examination was to be commenced from 26.03.2012. She appeared in all the papers which was required by the candidate to qualify for the examination. Her final result was not published then she represented to the Secretary of the Board through the Centre Superintendent, Project Girls High School, Bakhri who certified that she appeared in all the papers and her Roll No. and Roll Code was also indicated. The Principal of B.K.S.K.S. Inter College, Gorhpura vide letter dated 07.02.2013 also wrote to the Secretary of the Board whereby it was brought to the notice of the fact that she has been wrongly shown as absent though documents showing her appearance in all the papers. The candidate again represented attaching all the documents on 18.03.2013 before the Secretary of the Board but result was not published.



3. On 28.07.2017, the RTI application was filed but no information was given. Due to inaction on the part of Secretary of the Board, the candidate suffered loss of her career apart from being subjected to social stigma and deteriorating condition of health. As a last resort, the appellant approached this Court and upon notice, the result declared on 04.07.2020 and the appellant has been declared pass with First division.

4. The learned Single Judge allowed the writ petition and a sum of Rs. 10,00,000/- (Rs. Ten lacs only) awarded to the student as an exemplary compensation observing that she was rendered a helpless victim of the actions of the concerned public functionaries. The relevant paras 7 to 9 of impugned judgment are reproduced as follows:

“7. The golden period of life of a young bright girl has been marred on account of the in-action on part of the Board and its officials, on account of whose fault the result was not declared. No heed was paid to the representations made from time to time. Moreover, the result was declared only after the initiation of this petition. This susegad approach on part of the Board has led to the girl's future being pushed into darkness.

8. I.Sc Board examination is such a juncture in a life of a student whereby one makes crucial decisions in life about the career of choice one wants to pursue and build a future upon. And in that decision, the result of the examination is the key to unlock the doors ahead. The non-declaration of result for a period of 8 years shattered her dreams and further prolonged the immense sufferings and unfathomable pain of the young



girl. The callous and capricious attitude of the Board officials not only sabotaged her future but also compounded to the loss of amenities of life. She was left with no means in academics to propel her dreams and aspirations towards empowering her in becoming a lady with aplomb in this day and age. She was rendered a helpless victim of the actions of the concerned public functionaries.

9. It is a case where this Court would invoke its powers of granting compensation as the valuable right to life and personal liberty of the young girl has been taken away on account of capricious action of the respondents Board, therefore, a sum of Rs. 10,00,00/- (Rs. Ten lacs) is awarded to the student as an exemplary compensation. Though, this Court is of the view that the same would also not be sufficient as her entire future has gone in vain and the amount being awarded would be a small gesture of relief to the young girl for setting of her future.”

5. Learned senior counsel for the appellant submitted that the result of the concerned candidate was not declared because complete details of the marks obtained was not available and also supporting documents such as dispatch memo and OMR sheet form which the marks of the appellant's daughter could have been gathered. He further submitted that writ petition was preferred after 7 years from the year of examination and inordinate delay in pursuing legal remedies could not be cured by mere filing representation.

6. He further submitted that the concerned candidate has not shown what problem she faced and to what extent she had suffered prejudice and how her future was affected by the



result not being declared. The writ petition namely Gauri Shankar Sharma is not father of the candidate and direction to payment of compensation of Rs. 10,00,000/- (Rs. Ten lacs) is too harsh, liable to be set aside. He further submitted that a four members Committee was constituted to review and inquire into the matter and in the larger interest of the concerned candidate, a decision was taken to publish the result on the basis of average marking. Against the responsible employee for having delay the matter relating to finalizing the result, FIR has been lodged and departmental proceeding started placing under suspension.

7. From the counter-affidavit, it appears that writ petitioner Gauri Shankar Sharma is father-in-law of Munmun Sharma and due to inadvertence in place of father-in-law it is written as father. It is stated that she was suffering from depression and other ailments and was not able to move properly, therefore, she requested her father-in-law to file writ petition. There is no delay on the part of Munmun Sharma/ candidate in approaching this Court rather delay was on the part of appellant which took almost 8 years in publishing the result. She did her best for publication of result but the appellant did nothing except harassing her. There is latches on the part of appellant in publishing the result of Munmun Sharma for which



they are responsible and therefore, the award of exemplary cost of Rs. 10,00,000/- (Rs. Ten lacs) is in accordance with law.

8. Considering the facts and circumstances of the case and conduct of the parties, particularly, delay in publishing the result by Board and delay in filing the writ petition by petitioner, compensation of Rs. 5,00,000/- (Rs. Five lacs) appear to be just and reasonable. Accordingly, compensation amount of Rs. 10,00,000/- (Rs. Ten lacs) in the impugned judgment/order, is modified to Rs. 5,00,000/- (Rs. Five lacs). The amount shall be disbursed in favour of Munmun Sharma within a period of three months, failing which she is entitled to litigation cost of Rs. 20,000/- (Rs. Twenty Thousand).

9. Accordingly, the LPA No. 493 of 2022 stands disposed of with the aforesaid modification in the impugned order of the learned Single Judge.

(Sunil Dutta Mishra, J)

(P. B. Bajanthri, J)

(P. B. Bajanthri, J)

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