

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11055 of 2023

=====

Amit Anand Son of Late Rana Pratap Singh Babu Tola Lane, Govind Mitra Road, P. O. - Bankipore, Ps-Gandhi Maidan District-Patna. 800004. E-Mail-Address amit4732@gmail.com Mob.- 9308595656.

... .. Petitioner/s

Versus

1. Bihar Information Commission through its Secretary, State Information Commission, Suchna Bhawan, Bailey Road, Patna. 800015.
2. Bihar State Chief Information Commissioner, State Information Commission, Suchna Bhawan, Bailey Road, Patna. 800015.
3. Bihar Information Commissioner, State Information Commission, Suchna Bhawan, Bailey Road, Patna. 800015.
4. Bihar School Examination Board through its Chairman, Sinha Library Road, P.O.-B.S.E.B., Sinha Library Road, District - Patna 800017. E-Mail Address-info@biharboard.ac.in
5. Bihar School Examination Board (Senior Secondary) through its Secretary, Buddh Marg, Patna 800001.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Nilamber Prasad Verma, Advocate
For the BSEB	:	Mr. Satyabir Bharti, Sr. Advocate
		Mr. Abhishek Anand, Advocate
For the SIC	:	Mrs. Binita Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
CAV JUDGMENT

Date : 21-04-2025

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Bihar State Examination Board as well as State Information Commission.

2. The present writ petition has been filed for directing the respondent (The State Information Commission) to grant compensation to the petitioner as granted to one Payal Kumari in Suit No. A-4877 of 2018 and eight others which was



disposed of by a common judgment dated 02.08.2019.

3. Learned counsel for the petitioner submits that earlier the petitioner had filed CWJC No. 11190 of 2019 for issuance of Migration Certificate by the Bihar School Examination Board, Patna. Thereafter, the petitioner had again filed CWJC No. 16122 of 2021 and the same was disposed of vide order dated 02.02.2022 with the direction to the Board to examine the grievance of the petitioner and redress the same in accordance with law and the Board was also directed to pass a speaking order within a period of two months. He further submits that pursuant to the aforesaid order, the Board had issued a Migration Certificate bearing Sl. No. 21001476 and ID No. DMC0000136226 date d 02.05.2022 in favour of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner after passing his B.A. Examination in 2016 appeared in the entrance test examination for LLB course conducted by Patna Law College, University of Patna and qualified the entrance test. But due to non-deposit of the Migration Certificate from where he had passed his B.A. Examination, he could not take admission in Patna Law College. The petitioner required the Migration Certificate from



Board to deposit the same before the Vinayaka Mission (A deemed University) Salem, Tamil Nadu from where the petitioner had passed his B.A. Examination. It was only after deposit of the Migration Certificate issued by the Board before the Vinayaka Mission, the said University will have issued its Migration Certificate which was required to be deposited by the petitioner before the Patna Law College, University of Patna. The petitioner again applied for LLB course in 2019 and qualified the entrance test examination. The petitioner permitted admission in the college but due to non-deposit of the Migration Certificate, his examination form to appear in LLB Semester – I Exam (2019-20) was returned to him by the Registrar, University of Patna. In compliance of the order dated 02.02.2022 passed in CWJC No. 16122 of 2021, the Board had issued Migration Certificate to the petitioner and the petitioner had deposited the same before the Vinayaka Mission and in lieu of that the Vinayaka Mission issued its Migration Certificate bearing Sl. No. 2342 dated 07.06.2022. Then the petitioner has deposited the aforesaid Migration Certificate before the Patna Law College and it was then the petitioner was permitted to appear in the LLB Semester-I Exam (2021-22).

5. Learned counsel for the petitioner submits that



the petitioner had filed R.T.I application dated 02.08.2017 before the Public Information Officer (BSEB) but the petitioner has got no information regarding the same. Then the petitioner has filed First Appeal on 19.09.2017 before the Appellate Authority of the Respondent Board but again he has received no information. Then the petitioner on 30.11.2017 was compelled to file Second Appeal under Section 19 of the RTI Act, 2005 before the State Information Commission, Bihar, Patna which was registered as Suit No. A-5980 of 2018 (Amit Anand Vrs. First Appellate Tribunal, Bihar School Examination Board (SS), Patna / Public Information Commission, Bihar School Examination Board, Patna). During the pendency of the aforesaid suit, the State Chief Information Commissioner has directed the Public Information Officer of the Board to provide the information to the petitioner within a fortnight. Apart from that the Commissioner also directed the First Appellate Authority, Bihar School Examination Board to file representation within a fortnight stating therein the name of the hearing officer and employee and reason for delayed disposal of the appeal. The Public Information Officer of the Board vide letter dated 12.03.2019 forwarded the information to the petitioner that the information asked by him vide RTI



Application dated 02.08.2017 was not available in the official record, the required information is vague and the required information can't be provided. The First Appellate Authority of the Board has appeared before the Commission on 26.03.2019 and the Commission has directed the Public Information Officer of the Board to get Panji II inspected by the petitioner within a fortnight. The Commission further realised that much delay has been caused by the Public Information Officer in providing the information to the petitioner and hence, on 26.03.2019 the Commission has ordered the then Public Information Officer to file his explanation as to why not fine of Rs. 250/- per day be imposed upon him and fixed 29.04.2019 for personal appearance of the Public Information Officer. In his order dated 29.04.2019, the Commission observed that while hearing the case of the petitioner, he realised that the Board in many cases has caused immense delay in providing information. The Commission has prepared list of 16 cases including the petitioner's case and had decided to hear all the cases together seeing the explanation submitted by the Public Information Officer. The Commission has come to the conclusion that the same Public Authority of the Board due to its defective modus operandi has caused delay in providing information with regard



to all the cases and therefore, the Commission has ordered the Chairman and Secretary, Bihar School Examination Board, Patna to submit explanation through the Public Information Officer within a fortnight as to why not under the provisions of RTI Act, 2005, compensation of Rs. 50 lakhs be not imposed upon their Public Authority and be distributed equally amongst all the appellants.

6. Learned counsel for the petitioner submits that being aggrieved by the order of the Commission dated 29.04.2019, the Board has filed CWJC No. 11190 of 2019 and in view of the finding of the Commission, the petitioner is also entitled for compensation. The information was provided to the petitioner after delay of about 19 months from filing of his RTI application before the Board.

7. A counter affidavit has been filed on behalf of the Board stating therein that the Commission has passed the order dated 02.08.2019 but the Commission has not granted any compensation to the petitioner and the petitioner has not challenged the order of the Commission by which the appeal of the petitioner bearing A-5980 of 2018 was disposed of. Apart from that the learned counsel for the Board submits that the petitioner seeks compensation under Section 19(8)(b) of the RTI



Act, 2005 on the ground that the applicants namely, Payal Kumari and others whose cases have also been disposed of by the State Information Commission by a common order have been awarded compensation. He further submits that the petitioner had not filed any application before the State Information Officer seeking award of compensation under Section 19(8)(b) of the RTI Act, 2005 and had not produced any material before the Commission to demonstrate the actual loss or detriment, if any, suffered by him due to delayed information provided to him by the Public Authority of the Board.

8. The Board relies upon the judgment of the Co-ordinate Bench of this Court passed in the case of **Bihar School Examination Board Vs. The State Information Commission and Ors (CWJC No. 1172 of 2021)** and analogous cases, wherein the Co-ordinate Bench of this Court has relied upon the judgment of the Hon'ble Delhi High Court in the case of **NTPC Vs. Mohammad Samad Khan** reported in **ILR(2010) 6 DEL 55** and in the case of **DDA Vs. Subhas Chandar** reported in **2009 SCC Online DEL 1280**, wherein it was held that for award of compensation under Section 19(8)(b) of the RTI Act, 2005, the extent of loss, even approximately, suffered by the person has to be demonstrated. In the present case, the petitioner



has not produced any chit of paper/materials whatsoever either before the State Information Commission or before this Court, to demonstrate the extent of loss or detriment suffered by him, for award of compensation under Section 19(8)(b) of the RTI Act, 2005. Apart from that the writ petitioner cannot claim parity with other cases, wherein the State Information Commission has awarded compensation. In cases wherein, the State Information Commission has awarded compensation for delayed or non-supply of information, the matter related to non-supply of answer books despite making an application under the RTI Act, 2005, whereas, the petitioner in the present case had sought a copy of the enlishment register in which his name is recorded. The said information was provided to the petitioner though belatedly and even the petitioner had not challenged the order dated 16.08.2019 by which the appeal no. A-5980 of 2018 was disposed of by the State Information Commission.

9. Having heard the counsel for the parties, this Court has come to the conclusion that the petitioner has not produced/demonstrated the extent of loss or detriment suffered by him for award of compensation under Section 19(8)(b) of the RTI Act, 2005 and apart from that, the petitioner has not challenged the order dated 16.08.2019 by which the appeal of



the petitioner was disposed of by the State Information Commission without awarding the compensation under Section 19(8)(b) of the RTI Act, 2005. Apart from that it transpire that the petitioner had never filed any application for grant of compensation before the State Information Commission.

10. In view of the aforesaid, no case is made out for interference of this Court. Accordingly, this writ petition stands dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	26.03.2025
Uploading Date	22.04.2025
Transmission Date	NA

