

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10694 of 2014

1. Brajesh Kumar S/o Arun Kumar Yadav R/o at P.G. 1Y Hostel, Room No. N/14, D.Nmch Campus, Laheriasarai, Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chairman, Bihar Combined Entrance Competitive Examination Board, Patna.
3. The Secretary, Bihar Combined Entrance Competitive Examination Board, Patna.
4. The Controller of Examination Bihar Combined Entrance Competitive Examination Board. null I.A.S Association Building, near Patna Airport, P.O.- B.V. College Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishor
For the Respondent/s : Mr. Vikas Kumar
For the State: Mr. Rajeev Lochan

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 19-02-2015

19.02.2015

Heard learned counsel for the parties.

The answer-sheet of physics paper of the petitioner was not evaluated, nor the request of the petitioner for re-evaluation accepted, which led to filing of the writ application for a direction upon the respondents to do so.

The respondents have filed a counter affidavit. Their stand is that the physics paper of the petitioner was not evaluated because he did not carry out the instructions issued to the examinees including the petitioner and which has been indicated in the top right



hand side column of the OMR sheet itself. A passage has been provided, which is required to be copied by the candidate on the OMR sheet itself in the space provided. This is, subsequently, used for the purposes of establishing whether there was any impersonation made by a candidate. This is an important instruction, which is required to be followed by all the candidates for keeping the purity of the examination intact. The respondents have annexed Annexure-A, the OMR sheet of the petitioner. A reading of the same itself would indicate that the petitioner has not completed the instruction in toto. If this forms the basis for rejection of evaluation of the copy of the petitioner in physics paper, fault lies with the petitioner and not with the respondents, because instructions, which are vital in nature, are required to be followed meticulously and no person committing a breach thereof can draw advantage thereof through a writ court.

The Court is satisfied that there were valid grounds for non-evaluation of the answer-sheet of the petitioner. The respondents have further also indicated that there were other candidates as well, who were treated alike the petitioner and it is not a case of any discrimination, practiced by the respondent-authorities.

No case, therefore, for any direction in favour of the petitioner is made out. The petitioner must be careful for future purposes and I think he has learnt his lesson now.

Writ application is dismissed with observation as above.

(Ajay Kumar Tripathi, J.)

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