

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.53 of 2015

IN

Civil Writ Jurisdiction Case No. 5652 of 2013

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Vishnu Deo son of Pravunath Shankar Pal Resident of village - Itarhi, P.O. Itarhi,
Police Station - Itarhi, District - Buxar.

.... Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education Department, Government of Bihar, Patna.
4. The Director, State Council for Educational Research and Training, Mahendru,
Patna.
5. The Secretary, Bihar School Examination Board, Patna.

.... Respondents

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Appearance :

For the Appellant : Mr. Suman Kumar, Advocate

For the Respondents: Mr. Ranjeet Kumar, AC to Pr. AAG

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-02-2015

I.A. No.224 of 2015

The delay is not long, and in view of the reasons stated
in the interlocutory application, this I.A. is allowed and the delay in
filing the appeal is condoned.

L.P.A. No.53 of 2015

2. The Government of Bihar conducted Bihar
Elementary Teacher Eligibility Test 2011 for selection of elementary
teachers. The petitioner participated therein. He belongs to extremely
backward class and for the candidates of that category, the minimum

stipulated marks are 82, whereas the petitioner secured only 81 marks.

3. The petitioner filed the writ petition stating that answers for question nos.114 and 134, furnished in the answer key are not correct and on account of the same, he was denied two marks. He, therefore, filed CWJC No.5652 of 2013 for necessary reliefs, pleading, inter alia, that had he been awarded two marks for the two questions, he would have been in the range of selection. After hearing the parties, the learned Single Judge dismissed the writ petition through order dated 19.07.2013. Hence, this appeal.

4. Heard Mr. Suman Kumar, learned counsel for the appellant and Mr. Ranjeet Kumar, Assistant Counsel to the Principal Additional Advocate General for the respondents.

5. The appellant claimed the relief by pleading that the answers furnished with reference to question nos.114 and 134 by the authority, which conducted the examination, are not correct. The learned Single Judge referred to various judgments on this issue, and expressed his limitation to go into such disputed aspect.

6. Basically, it is for the agency, which framed the question papers to justify the answers furnished in the answer-key. Had the petitioner approached the concerned authorities, they would have been in a position to express their point of view. It is only when

the petitioner is not satisfied with the reasons furnished by the agency which conducted the examination; and is able to demonstrate that such reasons are not correct, that there would be an occasion for this Court, to examine. The petitioner straightway approached this Court without making any representation to the concerned authority. We do not find any merit in this appeal. The same is dismissed. There shall be no order as to costs.

7. However, it is left open to the petitioner to approach the agency which conducted examination with a representation. If it is made within four weeks from today, the same shall be disposed of in accordance with law within four weeks thereafter.

8. The interlocutory application, if any, shall stand disposed of.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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