

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11485 of 2013

Amarendra Nath Upadhyay Son Of Late Lalan Upadhyay Resident Of Village-
Telhara, P.O. And P.S. Amba, District- Aurangabad

.... Petitioner/s

Versus

1. The Bihar School Examination Board, Sinha Library Road, Patna Through The Chairman
2. The Chairman, The Bihar School Examination Board, Sinha Library Road, Patna
3. The Secretary, The Bihar School Examination Board, Sinha Library Road, Patna
4. The Deputy Secretary, The Bihar School Examination Board, Sinha Library Road, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh
Mr. Pankaj Kumar Singh
For the Respondent/s : Mr. Ajay
Mr. Ajay Kumar Lal

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-09-2015

04.09.2015

Heard learned counsel for the parties.

After due scrutiny of the papers for which the petitioner had made a grievance, the Board has indicated the outcome thereof. The final result has been communicated to the school. However, the petitioner is not satisfied with the decision of award of marks in social science paper.

Evaluation of the said question paper was done on 100 marks. Petitioner had obtained 49 in the said paper. Subsequently, the Board was informed by

the State Government that evaluation of social science will be done on the basis of 80 marks in the written examination and 20 marks for internal assessment. Because of the said directive proportionate reduction in the marks of the students earlier awarded had to be resorted to by way of percentage of marks. If petitioner had 49 percent out of 100, the reduced marks of 39 out of 80 marks also amounts to 49 per cent.

Submission of the counsel, however, for the petitioner is that such a modality ought not to be permitted and proportionate reduction should not be allowed.

The Court does not find any irrationality in the methodology adopted. The final assessment of the petitioner will be out of 100, but for the written examination, if the petitioner had obtained 49 per cent marks, the reduction of marks to 39 out of 80 also adds up to 49 percent.

Therefore, the net result does not change and there is no discrepancy by virtue of which the petitioner can end up with an enhanced result in the said paper.

Counsel for the petitioner submits that the petitioner requires only 3 marks to end up with a 1st division, therefore, an indulgent view should be given in



award of marks to the petitioner.

Award of grace marks is not within the domain of the Court. What the petitioner has earned in the evaluation is what should accrue to the petitioner.

In view of the above, the Court is not inclined to give any further direction for any further evaluation of marks in the social science paper.

In view of the aforesaid facts and circumstances, writ application is dismissed.

(Ajay Kumar Tripathi, J.)

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