

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1242 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 13083 of 2012**

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1. Diwakar Paswan, son of Sri Rajeshwar Paswan, Resident of Village- Athagama, P.S.- Kharik, District- Bhagalpur.
 2. Md. Nafisur Rahman, Son of Md. Hifzur Rahaman, Resident of Village- Siswania, Via- Adapur, P.O.- Siswania, P.S. Darpa, District- East Champaran.
 3. Sanjay Kumar, son of Sri Indrasan Prasad Dayalu, Resident of Village- Basudeopur, P.S. Laukaha, District Madhubani.
 4. Raj Kumar, son of Sri Rupam Saw, Resident of Village- Gopalpur, P.S. Naubatpur, District Patna.
 5. Sumit Kumar Poddar, Son of Sri Ramesh Chandra Poddar, Resident of Village- Chandpur, P.O. Chandpur, P.S. Falka, District- Katihar.

.... Writ petitioners-Appellant/s

Versus

1. The State of Bihar through its Chief Secretary, Patna.
2. The Bihar School Examination Board, Patna.
3. The Chairman, Bihar School Examination Board, Patna.
4. The Secretary, Bihar School Examination Board, Patna.

... Respondents-Respondents.

5. Rupesh Kumar Thakur, Son of Sri Shankar Kumar Thakur, Resident of Village- Kadrachak, P.S- Shambhuganj, District- Banka.
6. Jay Narayan Yadav, son of Sri Dasrath Prasad Yadav, Resident of Village- Budhma, P.S. Madhepura, District Madhepura.
7. Mukesh Kumar, son of Sri Raj Kishore Rai, Resident of village- Gangapur P.S. Pusa Road, District Samastipur.
8. Krishna Kumar, Son of Sri Puhup Lal Yadav, Resident of village- Aourahi, P.S. Simraha, District Arariah.
9. Ranjeet Kumar, Son of Sri Ramadhar Roy, Resident of village- Harpur, P.S. Barauni, District- Begusarai.
10. Jaydeo Mandal, S/o Shri Shashi Kant Mandal, R/o- Lagma, P.S.- Kahalgaon, Dist.- Bhagalpur.
11. Mukesh Kumar, Son of Sri Brahmadeo Mandal, Resident of Village Bhramarpur Tola (Itarhi), P.S. Alamnagar, District Madhepura.
12. Lalan Kumar, Son of Sri Sitaram Bhagat, Resident of village Chikini, P.S. Saurbazar, District- Saharsa.
13. Meena Kumari, Daughter of Sri Radheshyam Bhagat, All resident of Village- Chikni, P.S.- Sourbazar, District- Saharsa.
14. Mithelesh Kumar, Son of Sri Parmeshwari Sah, Resident of village- Nauranga, P.S. Choutham, District Khagaria.
15. Chandan Kumar, Son of Sri Naresh Kumar Thakur, Village Chakrami, P.S. Bihpur, District Bhagalpur.
16. Rakesh Ranjan, Son of Sri Shashi Bhushan Khadgara, Resident of village- Baunshi, P.S. Baunshi, District Banka.

.... Petitioners- Respondent/s

With

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**Letters Patent Appeal No. 989 of 2015
Arising out of**

Civil Writ Jurisdiction Case No. 20427 of 2013
Along with
Interlocutory Application No.4152 of 2015

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Tafirul Amame, son of Md. Hasim, Resident of Village+ P.O Purushottampur,
Police Station- Chauradano, District- East Champaran.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Bihar School Examination Board, Patna, through its Secretary.
3. The Chairman, Bihar School Examination Board, Patna.
4. The Secretary, Bihar School Examination Board, Patna.

.... Respondents-Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Tewary, Advocate

For the Respondents-B.S.E.B : Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 23-09-2016

Re.: Interlocutory Application No.4152 of 2015 in L.P.A.

No.989 of 2015

The application is for condonation of delay of 25 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal Nos.1242 of 2014 and 989 of 2015

This order shall dispose of L. P.A. No.1242 of 2014 and L. P. A. No.989 of 2015 wherein the writ jurisdiction was invoked for identical relief, i.e., to re-evaluate the OMR answer sheets in terms of the subjects taken by the appellants for appearing in the Secondary/Higher Secondary Teachers Eligibility Test, 2011.

The Bihar School Examination Board issued an Advertisement No.19 of 2012 for holding Eligibility Test, 2011 for appointment of teachers in different High Schools and Middle Schools in the State of Bihar. The appellants are the applicants, who appeared in the said test.

The learned Single Bench dismissed the writ petitions finding that in exercise of the power of judicial review; only the decision-making process can be examined. It was also found that there was no allegation of wrong method having been adopted or malpractice has been committed; nor any grievance has been raised that any of the answers given in the answer book in the shape of multiple choice answers were wrong, repeated or otherwise suffered from any errors.

The sole grievance of the appellants is that they could not understand the manner in which the questions were arranged and were to give reply. For the inadequate understanding of the questions,

the appellants cannot seek re-evaluation of the OMR answer-sheets. The re-evaluation cannot be claimed in view of the judgments of the Hon'ble Supreme Court in Maharasatra State Board of Secondary and Higher Secondary Education Vs. Paritosh Bhupeshkumar Sheth [(1984) 4 SCC 27]; and Pramod Kumar Srivastava Vs. Chairman, Bihar Public Service Commission, (2004) 6 SCC 714.

In view of the above, we do not find any error in the finding recorded by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. The same is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	28.09.2016
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