

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6453 of 2017

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Rampukar Yadav, S/o Sri Bindeshwari Yadav, Village- Murliganj,
Ward No.15, P.O.+P.S.- Murliganj, District- Madhepura, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through Education Principal Secretary, Govt. of Bihar, Patna.
2. Bihar School Examination Board through its Secretary, Patna.
3. The Chairman, Bihar School Examination Board, Patna.
4. The Examination Controller, Bihar School Examination Board, Patna.
5. Anand Kishore, Chairman, Bihar School Examination Board, Patna.
6. Anup Kumar Sinha, Secretary, Bihar School Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :Mr. Rajendra Pd. Singh, Sr. Adv.
Mr. Rajeev Kumar Singh, Adv.

For the State :Mr. Prabhat Ranjan Singh, AC to AAG-15

For the Board :Mr. Satyabir Bharti, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 10-07-2017

The petitioner's daughter had appeared for Class-Xth
examination, held in 2017. This application, under Article 226 of



the Constitution of India, has been filed raising a grievance that the answer-sheets of the examinees of the matriculation examination are being evaluated by persons not competent or eligible to evaluate the answer-sheets.

2. Learned Senior Counsel, appearing on behalf of the petitioner, has drawn my attention to the list of the Examiners, who were appointed to evaluate the answer-sheets, to make out a case that they are not competent at all.

3. A counter affidavit has been filed on behalf of the Bihar School Examination Board (*hereinafter referred to as the "Board"*), stating therein that the answer-sheets of the daughter of the petitioner have separately got evaluated by the Board because of filing of this writ application, whereupon, it has been found that the petitioner's daughter has miserably failed in all the papers. It has also been stated in the counter affidavit that the persons, who evaluated the answer-sheets of petitioner's daughter, were competent persons.

4. Learned Senior Counsel, appearing on behalf of the petitioner, has opposed to the said stand taken on behalf of the Board.

5. The xerox copies of the answer-sheets of the petitioner's daughter have been produced by the learned Counsel, appearing on behalf of the Board, for perusal, which I have perused.



6. In the present case, I need not go into the correctness, or otherwise, of the stand taken on behalf of the petitioner or the legal issue raised on his behalf with respect to appointment of competent Head-Examiner and Examiners in accordance with the Rules framed in that behalf.

7. The evaluation, in respect of the answer-sheets of the petitioner’s daughter, cannot be said to be erroneous, as is apparent.

8. This application is, accordingly, dismissed. It is, however, observed that I have not gone into the correctness of the legal issue raised on behalf of the petitioner’s Counsel.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12/07/17
Transmission Date	N/A

