

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12893 of 2017

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Amit Kumar Son of Arun Kumar Sah R/o Mohalla- Jail Road Tilkamanjhi,
P.S.- Tilkamanjhi, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary, Bihar School Examination Board, Bihar.
3. The Examination Controller, Bihar School Examination Board, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Anjani Pd. Singh
For BSEB	:	Mr. Lalit Kishore, A.G.
		Mr. Ranjit Sinha
For the State	:	Mr. Ranjan Kumar, GA12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 04-12-2017 Reference may be made to the previous orders, dated

21.11.2017 and 01.12.2017, passed in this case, which read

thus:-

“21-11-2017 A counter affidavit has been filed today in compliance of the previous order sworn by the Chairman of the Bihar School Examination Board. The statements, which have been made in the counter affidavit are disturbing in the sense that it is an admitted fact that till date the exercise for scrutiny of answer-sheets of the examination held in March, 2017 on applications filed by the examinees is not complete though the process has begun for the next examination to be held in February and March, 2018. It is an admitted



fact that even last date for submission of examination forms for 2018 examination have crossed. The Court is unaware of the mechanism, which the Board is contemplating to adopt to deal with such candidates, who are still awaiting scrutiny of their answer-sheets and many of them must be indecisive as to whether they will be applying for the next examination or not.

Learned Counsel for the petitioner seeks time to deal with the said counter affidavit.

As requested, list this matter under the same heading on 30.11.2017 along with CWJC No. 12735 of 2017.

01-12-2017 A supplementary counter affidavit has been filed on behalf of the respondent-Bihar School Examination Board, which reveals that at least 18365 answer books are yet to be scrutinized by the Board.

This Court would like to know from the Board as to how the Board will deal with those students for the purpose of accepting their examination fees and forms, whose applications for scrutiny remained pending even after expiry of the last date, for submission of such examination fees and forms.

List this case, under the same heading, on 04th December, 2017.”



A supplementary counter affidavit has been filed on behalf of the Bihar School Examination Board (BSEB), wherein it has been admitted that despite best efforts made by the Board and its Officials, certain answer books have still remained to be scrutinized till the last date of filling up of forms for the Annual Intermediate Examination, 2018.

A stand has been taken that in such circumstance, the candidates would be allowed to fill up examination forms for the forthcoming Intermediate Examination, 2018, with clear stipulation that in the event of being declared pass in the scrutiny of answer books, the amount received, as examination fee, from such candidates, would be refunded on applications made through the concerned Colleges/+2 Schools.

It has further been stated that communication in this regard has been issued to the concerned District Education Officers with a request to them to communicate the said decision of the BSEB to all the Heads of the institutions of recognized Colleges/+2 Schools.

Ideally, the work of scrutiny must be completed before the last date fixed for submission of annual examination form. It appears that for the reason beyond the control, the BSEB could not complete the exercise of scrutiny. The system of announcing



the dates of examination and fixing the last date for filling up of the examination forms for subsequent sessions without completing the scrutiny work of the answer sheets of the previous sessions cannot be countenanced.

I, therefore, observe and direct that in future, the BSEB must ensure that the exercise of scrutiny of answer sheets are completed before the last date fixed for filling up of the examination forms for the next annual examination. All concerned should ensure that the work of scrutiny is completed smoothly and any obstruction of any nature caused by any individual or body shall be treated to be contempt of this Court.

So far as the grievance of the petitioner is concerned, in the present writ application, it can be redressed if a direction is issued to be BSEB to consider his case, in the light of a decision of this Court, dated 18.10.2017, passed in **CWJC No. 10418 of 2017 (Priyanka Singh v. The State of Bihar and Others)**, within a period of two months from the date of receipt/production of a copy of this order. I order accordingly.

This application is disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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