

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5677 of 2017

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Mala Kumari D/o Nagendra Mehta, R/o Village- Jadia, P.S. Jadia, District-Supaul.
..... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. The Director, State Council of Educational Research & Training Mahendru, Patna.
4. The District Magistrate, Supaul.
5. The District Magistrate, Supaul.
6. The District Education Officer, Supaul.
7. The Block Education Officer,

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Karuna Kant Jha, Advocate

For the Respondent/s : Mr. Jitendra Kr.Roy No.1-SC13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 02-04-2018

Heard learned counsel for the petitioner and State.

2. Learned counsel for the petitioner submits that due to defective and wrong key answer petitioner has suffered in the examination conducted by the respondent Board. He submits that the cut off mark in the instant case is 37, whereas the petitioner has scored 36 marks and as such she failed by one mark. Learned counsel submits that considering the hardship of the petitioner, the respondents may be directed to consider her case by awarding marks on compassioante basis for the wrong questions and wrong key answer of the respondent Board.



3. Without expressing any opinion on the merit of the claim of the petitioner, the writ application is disposed of with liberty to the petitioner to approach respondent no.3, who shall examine the claim of the petitioner and if it is found that in the past for wrong questions and wrong answer key similarly circumstanced persons were compensated by granting grace, respondent no.3 will consider the representation of the petitioner and pass appropriate order considering the hardship of the petitioner that she has failed in the examination by one mark, whereas a large number of questions are said to be wrong question and the model answers are incorrect. The decision on the representation of the petitioner must be taken by the respondent no.3 within a maximum period of 60 days from the date of receipt of representation.

4. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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