

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15074 of 2017

=====

Khushbu Kumari, Daughter of Upendra Mandal, Resident of Village-Thebhay,
Ward No.1, P.O.-Kolwara, P.S.-Parbatta, District-Khagaria

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Chairman, the Bihar School Examination Board, Patna
3. The Secretary, Bihar School Examination Board, Patna.
4. The Examination Controller, Bihar Elementary Teacher (Training) Eligibility
Test, 2017, Bihar School Examination Board, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
Mr. Pawan Kumar Singh, Advocate
For the Respondent/s : Smt. Binita Singh, SC28
For the Board : Mr. Sunil Kumar Mandal, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 13-03-2018

Heard learned counsel for the petitioner and the
respondents.

2. Mr. Siya Ram Shahi, learned counsel for the
petitioner submits that the petitioner has adversely affected on account
of wrong question set by the Board, as a result of the same, the
petitioner failed to qualify in the Teacher Eligibility Test (TET) and if
the case of the petitioner is considered after excluding the wrong
questions, then the petitioner may be found eligible, as there is only
shortage of few marks, as petitioner has scored 72 marks, whereas the
cut of marks is 80.

3. The issue raised in the present writ application does



not warrant interference by the Court, as it is within the realm of the Board to examine the hardship on account of wrong question set by the Board and if on consideration of the hardship of the petitioner the Board find that corrective measures can be adopted as a matter of special case on sympathetic consideration, liberty shall be available to the Board to take appropriate decision considering the hardship of the petitioner and alike on account of wrong question set by the respondent Board.

4. Counsel for the petitioner submits that at this stage, liberty may be granted to the petitioner to demonstrate the error in question, which has adversely affected the interest of the petitioner.

5. In case, such representation is filed by the petitioner incorporating the detailed example of wrong question, the Court expects that the Board will address the grievance raised by the petitioner in the representation expeditiously and consider her case sympathetically.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.03.2018
Transmission Date	

