

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14839 of 2016

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1. Gouhar Idris S/o Md Idris, resident of village-Mahisam, P.S.- Madhepur, District- Madhubani.
 2. Md Sajid Warsi S/o Abdul Kuddus Warsi, resident of village- Jagdishpur, P.S.- Jagdishpur, District- Bhojpur.
 3. Firdous Fatma W/o Sagir Ahmd, resident of Bhagwanpur, P.S.- Baruraj, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development, Department, Government of Bihar, New Secretariat, Patna.
2. The Secretary, Department of Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
4. The Bihar School Examination Board through its Chairman, Budh Marg, Patna through its Chairman.
5. The Secretary, Bihar School Examination Board through its Chairman, Budh Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Subodh Kr Jha & Ramchandra Jha Raman, Advocates
For the S t a t e	:	Mr Mukund Mohan Jha, AC to GP 27
for the B S E B	:	Mr Amrendra Kumar, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 26-11-2018

Heard learned counsel for the petitioners and the respondent-Bihar School Examination Board (for brevity, *the Board*).

2 The petitioners appeared at the Special Teachers Eligibility Test (for brevity, *STET*) conducted for Urdu and Bengla Teachers held on 01.10.2013. On the averments made in the writ



petition, it is apparent that the result was revised few times and final revised result was declared on 17.11.2014 by the Board. The Board decided to grant 13 marks against the defective 13 questions found in the question paper. As per averments made in the writ petition, the said marks, however, have not to be granted to those who have been granted marks in those questions.

3 The petitioners have approached this Court complaining that as a result of such revision of the marking, they have been placed below, what they were initially awarded in the first result.

4 Petitioners' admitted case is that the cut off marks for selection was 74 fixed by the Board and that the petitioners received only 73 marks. None, below the petitioners' marks, have been selected in the STET. Apart from that, this Court would observe that the results were revised keeping in view the defective questions. The effect of the revision was uniformly applicable to all concerned and the petitioners cannot claim to have suffered any prejudice on account of such uniform revision of the results. Apart from that, the final result was declared on 17.11.2014 as per the averments made in the writ petition itself.

5 As a result of such revised final result, the rights had accrued in various other persons who were admittedly having



more marks than the petitioners. In view of such revision, third party interest has accrued, resort to the instant writ petition two years after declaration of the result, also suffers with delay and laches.

6 The writ petition, for the reasons indicated hereinabove, therefore, is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2018
Transmission Date	NA

