

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18888 of 2017

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Ankit Kumar S/o Dharmendra Kumar Thakur, R/o Village- Bariyarpur, Post Bariyarpur, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Human Resources Department , Government Of Bihar, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.
4. The District Education Officer, Vaishali at Hajipur.
5. The Principal , L.N. College, Bhagwanpur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Mushtaque Alam
For the Respondent/s	:	Mr. PRABHAKAR JHA -GP27
For the Board:-	:	Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 19-03-2018 This application has been filed seeking direction to the respondent-Bihar School Examination Board (hereinafter referred to as ‘the Board’) to declare his result of Intermediate Science Examination-2017, after adding marks of Practical examination.

2. The main dispute is as to whether the petitioner had appeared for the Practical examination or not, held on 04.04.2017. It is his claim that though he had appeared for the Practical examination and his attendance was marked, he has been shown to be absent, in the mark-sheet. It is his case that upon enquiry from the Principal, L.N.



College, Bhagwanpur, he has learnt that he had been awarded 25 marks in the Chemistry Practical paper. It is the petitioner's grievance that he is a meritorious student, who is going to suffer irreparable loss and injury if the Board fails to correct mistake and publish the result.

3. A counter affidavit has been filed on behalf of the Board, wherein it has been stated that admittedly the petitioner was student of V.R. College, Kiratpur, Vaishali and had appeared for the Intermediate Science Examination in the year 2016. On account of large scale of malpractice, the results of the students of the said College was cancelled. However, the students were allowed to appear at the subsequent Intermediate examination in 2017 through any adjoining recognized College or + 2 School. The petitioner had filled up his examination form through a nearby L.N. College, Bhagwanpur for Intermediate Science Examination, 2017. Though he was to appear as an ex student, his examination form was wrongly forwarded by the L.N. College, Bhagwanpur as an improvement candidate. It is because of incorrect forwarding of the examination form that the petitioner was earlier treated as improvement candidate



and accordingly, admit card was sent. However, once it came to the light of the Board that the petitioner was not an improvement candidate, rather, an ex-student, it immediately corrected the admit card and issued a new admit card with different roll number showing the petitioner to be an ex-student. It has further been asserted that in the computerized award sheet meant for sending practical marks by the L.N. College, Bhagwanpur to the Board, the petitioner had been marked absent and accordingly, the petitioner was declared 'fail'. Subsequently, the College manually sent the practical marks of the petitioner and two others in suspicious circumstances and, therefore, the same was not accepted. The Board has, accordingly, justified its action in declaring the petitioner fail.

4. A rejoinder to the said counter affidavit has also been filed asserting that it was because of fault of the Board that two different roll numbers had been issued, which according to him, has created entire mess.

5. It has also been stated in paragraph 11 of the rejoinder as follows:-

“11. That only to save his skin, the principal of the L.N. College, Bhagwanpur, Vaishali advised his such type of students to appear in Iinter I.Sc.-18 examination.



Because the Board has declared him fail. There are more than 40 students of such type. He had also advertised notice in this respect to fill the form of I.Sc. Examination the Principal had requested the petitioner that he had already sent mark sheet of Chemistry Practical examination to the Board of Inter-Sc Examination-2017 but due to his fault he had not put his signature on it. The petitioner got 25 marks in Practical examination of Chemistry. The Principal had also stated this fact in that letter. The said letter is on the record of Board.”

6. A supplementary affidavit has also been filed by the petitioner, which gives the whole picture about the Practical examination:-

“2. That through this affidavit the petitioner wants to explain about the practical examination of I.Sc. (2015-17) which was held in Laxmi Narayan College, Bhagwanpur (Vaishali).

(i) The Headmaster asked the Examinee (student) of that session to come with practical copy.

(ii) All the examinees appeared in the practical room of that college.

Examination to the students (examination)

(iv) The examiner put 4 question on the black board of the practical room and he asked the students to solve the question within one hour.

(v) Later on after one hour answer sheets and practical copy had been collected by the school authorities. The College authority generally used to give number on practical book, answer sheet and viva.

3. That, no any equipments as well as instrument had been provided to the students (examinee) in that college it is well known that more than 60% of affiliated a college have no equipments/instrument of practical examination.”

7. In view of what has been narrated in the supplementary affidavit, I refrain myself from



entertaining the relief sought in the present application
since it will amount to promoting illegality and fraud.

8. This application stands dismissed.

(Chakradhari Sharan Singh, J)

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