

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18249 of 2014

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Md. Rizwan S/o Md. Nezam Uddin Resident of Village - Chkhashim P.O.
Banigeer, P.S. Muffasil, District - Munger

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary Human Resources Development Department Govt. of Bihar, Patna
2. The Principal Secretary, Department of Education, Govt. of Bihar
3. The Chairman, Bihar School Examination Board, Patna
4. The Director, Bihar Elementary Urdu/Benglai (Special Teacher Eligibility Test 2013), Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary

For the Respondent/s : Mr. Prashant Kumar, AC to SC 5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner has filed the present writ application
for direction to the respondent authorities to grant 10 marks as
grace to the petitioner in the result of Bihar Elementary
Urdu/Bengali (Special Teacher Eligibility Test 2013)



(hereinafter referred to as TET 2013). By referring to a newspaper clipping published on 17th February, 2014 the petitioner has claimed that the respondents have taken a policy decision to award 10 marks as grace in Urdu paper due to 10 wrong questions asked in 2nd paper of Urdu in TET 2013, whereas vide Annexure-5 the respondents have only awarded 3 marks in place of 10 marks resulting into failure of the petitioner in TET 2013. In the aforesaid fact and circumstances the petitioner has filed the present writ application for direction to the respondents to grant him 10 marks as grace.

Grace mark is not a matter of right. It is precisely within the realm of the authorities to consider the hardship in a particular situation. But the grace mark cannot be claimed as a matter of right and in the absence of any statutory right enabling the petitioner to claim any grace mark no positive direction can be issued in this regard.

It is to be noted here that grant of grace mark is within the domain of the authorities who are required to counter balance the hardship and the minimum standard in the matter of appointment of teachers on the basis of passing of the Teachers Eligibility Test and as such the Court is not inclined to grant any indulgence in this case.



The writ petition is accordingly dismissed.

(Anil Kumar Upadhyay, J)

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