

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2724 of 2016

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Surendra Prasad Harizan S/o Late Devmuni Ram Resident of Mohalla -
Lalganj Karawi, Ward No. 3, Dumraon, P.S. Dumraon, District - Buxar

... .. Petitioner/s

Versus

1. Bihar School Examination Board, Patna through its Chairman, Bihar School Examination Board at Patna
2. The Secretary, Bihar School Examination Board at Patna
3. The Examination Controller, Bihar School Examination Board at Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta
For the Respondent/s : Mr. Gyan Shankar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 16-04-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner has filed the present writ application for a
direction to the respondent Board to publish result of the
petitioner held in 2012.

The writ petitioner was filed on 8.2.2016.

On behalf of the Examination Board a counter
affidavit has been filed. In para-4 to 13 the following stand has
been taken by the Board which reads as follows:-

**“4.That in the present context it is apt to
bring on record the relevant fact addressing the
issues involved in the present case for its proper
consideration and adjudication.**

**5. That from perusal of the writ petition it
appears that the petitioner was an aspirant of the
Bihar Elementary Teacher Eligibility Test**



(BETET) , 2011 and accordingly he had given his said examination held on 18.02.2012, of which the results had also duly been published (evident from Annexure -2 appended to the writ petition, the said examination had been conducted by the Bihar School Examination Board.

6. That it is relevant to submit that after coming into picture of the NCTE Act, the Bihar School Examination Board (here and after referred as 'Board') , by virtue of the Rule-7, enshrined under the Bihar School Examination Board Rules, 1963, has conducted the Teachers Eligibility Test in different categories, for appointment of Teachers in the Schools of the State of Bihar, on such terms and condition as had been laid down by the State Government, in terms of the guidelines for conducting the National Council for Teachers Education to conduct the same.

7. That it is also relevant to point out that in the said examination of Teachers Eligibility Test the OMR Process of conduction the examination had been adopted, right from filing of the application form for the examination to the obtaining of answers of the papers (subjects) from the respective candidates, i.e. the whole process of examination had been conducted through the OMR process, wherein the candidates had been well advised/directed to follow the instructions strictly and fill up their forms with utmost care in order to avoid any discrepancy in the process of said examination.

8. That is by means of the said process several lakhs of candidates participated for the said examination of TET and after the due course of examination, result of the candidates concerned got processed by way of evaluation through computerized system, and it was accordingly submitted in course of their said examination and



ultimately the result were published on 14.06.2012.

9. That it is submitted that as per the record the petitioner Surendra Prasad Harizan was the examinee of Bihar Elementary Teacher Eligibility Test (BETET), 2011, conducted by the Board and had appeared in the said examination of BETET 2011 under Roll No. 0837110372, however his result has been declared with remark as ABS i.e. Absent in Paper (also evident from Annexure -2 appended to the writ petition), meaning thereby that it is the petitioner himself who either had not appeared in the said TET Examination or not filed or properly marked the attendance sheet provided in course of examination.

10. That in this respect it is also relevant to point out that the claim of the petitioner can not be accepted at such belated juncture, because of the fact that the claim as raised by the petitioner can not be cross verified by the Board at this stage, since as now the documents relating to the said examination i.e. Bihar Elementary Teacher Eligibility Test (BETET), 2011 has already been disposed of by the processor i.e. the Computer Center entrusted in this respect by 26.06.2014 itself.

11. That it is also not out of place to submit here that after declaration of the results many a complaints with respect to the discrepancies in the result of the candidates concerned were made to the Board in connection with the said TET Examination; and in order to clarify the issues as raised, the Board has issued a clarification by way of a communique vide Memo No. K/362 dated 11.07.2012, which got widely published in the daily newspaper.

12. That it is further submitted that another communique was also issued by the Board on 13.08.2012, vide Memo No. K/407 dated 13.08.2012, clarifying the issues and notifying



thereby that the candidate who had filed their complaints pursuant to the advertisement published on 12.07.2012, they can see the outcome of their applications/complains on 24.08.2012 on the website of the Board. It was further been clarified that the news items published on 12.08.2012 regarding the said examination of BETET is false and misleading.

13. That taking into account the facts and the circumstances mentioned above in its totality it is the petitioner himself who has to blame for not either not appearing in the said TET Examination or not furnishing/executing the column for making attendance properly in course of his said examination; and in that view of the matter the petitioner is entitled to no relief in the present writ application, more over in view of the fact that the said BETET 2011 Special Examination had been conducted way back and since as now the documents relating to the said examination i.e. Elementary Teacher Eligibility Test (BETET) -2011 has already been disposed of by the processor i.e. the Computer Center entrusted in this respect, by 26.06.2014 itself.”

Considering the stand of the Board as indicated hereinabove, no relief can be granted to the petitioner.

Accordingly, the petition is dismissed as devoid of any merit.

(Anil Kumar Upadhyay, J)

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