

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2720 of 2018

Monika Kumari, a minor daughter of Dilip Kumar Singh, resident of Ramdauli, P.O. Bidupur Bazar, Police Station- Bidupur, District- Vaishali, The Petitioner is being represented by her father who is natural guardian of the petitioner.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Secondary Education, Education Department, Government of Bihar, Patna.
2. The Director Secondary Education, Education Department, Government of Bihar, Patna. null null
3. The Secretary, Bihar School Examination Board, Patna.
4. The Examination Controller, Bihar School Examination Board, Patna.
5. The Centre Superintendent of Intermediate Examination of Deochand College, Hajipur of the year 2017, Vaishali.
6. The Principal of Deochand College, Hajipur, Vaishali.
7. The Principal of B.M.D. College, Dayalpur (Vaishali), District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate Mr. Dilip Kumar Singh
For the Respondent/s	:	Ms. Smt. Binita Singh -SC-28 Mr. Vivek Anand Am, Ritesh AC to SC-28
For the BSEB	:	Mr. Ranjit Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 30-04-2018

Heard learned counsel for the parties.

2. The present writ application involves controversy of petty nature, which has adversely affected the career of the petitioner. As a student of Intermediate (Arts) of B.M.D. College, Vaishali for the session 2015-17, she had appeared for the Intermediate Examination held by the Bihar School Examination Board in 2017. It is her case that though English was her subject, in the admit card for examination, instead of



English, Hindi was entered. She immediately approached the Principal of the said B.M.D. College with the admit card. The Principal assured remedial measures to be taken. However, since nothing tangible was happening, she approached the Principal of the College again. According to her, the Principal of the said B.M.D. College himself made corrections in the petitioner's admit card manually, by striking off 'Hindi' and writing 'English' in that place. It is also her case that she appeared for the examination at the Examination Centre, Deochand College, Hajipur, Vaishali. She appeared in English paper. However, in the result published she had been shown to be absent in Hindi though Hindi was not her subject.

2. A counter affidavit has been filed on behalf of the respondent- Bihar School Examination Board stating therein that through notice No. 11 of 2017 dated 08.02.2017, guidelines were issued for the Principals and Centre Superintendents of the Schools/Colleges laying down the manner in which any correction was required to be incorporated in the admit card, in the event of any error. It was specifically mentioned in the guidelines that such corrections should be made *online* and last opportunity in this regard was given through the said notice dated 08.02.2017. Despite that the Principal of the College made



corrections manually, in violation of the said notice No.11 of 2017 that too, after cut off date on 10th February, 2017.

3. A supplementary counter affidavit has been filed on behalf of the Bihar School Examination Board in compliance of this Court's order, dated 24.04.2018. It is admitted in the said counter affidavit that answer-sheet of the petitioner's English paper of the said Intermediate Examination, 2017 has been evaluated by the Evaluator and the petitioner has been awarded 62 marks. It has also been stated in the counter affidavit that the entire controversy had arisen due to lackadaisical and irresponsible approach of the concerned Principal, who despite categorical direction issued by the Board made corrections in the admit card manually.

4. This being an admitted fact that the petitioner had appeared with English as subject in the said examination and no lapse on her part is being alleged on behalf of the respondents. I consider it apt in the interest of justice, therefor, to direct the Bihar School Examination Board to publish petitioner's result on the basis of evaluation of her English paper as has been done by the Evaluator, within a period of two weeks from the date of receipt/production of a copy of this order.

5. Before I close this order I cannot ignore the



conduct of the respondent Nos. 6 and 7 who were though directed by this Court to be present in the Court, have not appeared. It is the stand of the Board that because of the lapse on the part of the Principal of the B.M.D. College, Vaishali, such situation has arisen. In that view of the matter, I direct the Principal Secretary, Education Department to initiate departmental action against them.

6. Let this order be communicated to the Principal Secretary, Education Department, Govt. of Bihar, Patna through learned Standing Counsel No.28.

(Chakradhari Sharan Singh, J)

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