

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16471 of 2016

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1. Md. Aftab Alam, Son of Late Md. Muslim, Resident of Village- Mansoor Chak, Police Station- Mansoor Chak district Begusarai.
 2. Safdar Imam son of Ali Imam Resident of Village- Chhota Telpa, P.S. Tow, District- Chapra.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary Department of Education, Govt. of Bihar, New Secretariate Patna.
2. The Director Primary Education, Govt. of Bihar, New Secretariate, Patna.
3. The Bihar School Examination Board through its Chairman, Sinha Library Road, Patna-1.
4. The Secretary, Bihar School Examination Board Library Road, Patna.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Kundan Kumar Sinha, Advocate
For the State	:	Mr. Mukund Mohan Jha-GP 27
For the Board	:	Mr. Ajay, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-11-2018 Heard learned Counsel for the petitioners, learned Counsel for the State as also the learned Counsel appearing for the Bihar School Examination Board.

The writ petition has been filed praying for a direction upon the respondent authorities to issue appointment letter to the petitioners as Assistant Teacher in Urdu subject in any primary school on the basis of result published on 29.11.2013, wherein the petitioners had been shown as qualified.

The case of the petitioners is that TET examination of 2013 was re-evaluated many times. As a result, earlier three results were published. The final revised result is the fourth



result which has been published in 2015 on 11.8.2015.

From perusal of Annexure 6, which is a letter issued by the Public Grievance Redressal Officer of the Bihar School Examination Board to the Bihar Public Grievance Redressal Officer in the Education Department of the Government of Bihar, Patna, it appears that after discovery of certain errors in the model answers the results had been revised. After detailed scrutiny of the issue the final/fourth result was published, taking into account wrong model answers on basis of which earlier the result had been published. As a result of such an exercise, when marks were reworked adopting a uniform criteria considering the wrong model answers the petitioners have been found to have 1% less marks than the last person who was selected in the process. The detailed exercise and proceedings of the committee constituted to redress the grievance of the petitioners and others have been placed on record by Annexure 6 i.e. letter dated 10.8.2016.

No arbitrariness has been pointed out from the said proceedings. It is not a case where the petitioners have been singled out and granted any differential treatment or in any way discriminated against, in the matter of award of marks in the fourth revised result. Since a uniform criteria has been adopted



and the petitioners have been found to be having 1% less marks than the last person appointed, the petitioners cannot raise any grievance in respect of exclusion in the selection process. It is not the case of the petitioners that any one below the petitioners in terms of marks has been selected for appointment.

The writ petition, therefore, is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J.)

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