

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4340 of 2017

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Sunita Kumari Daughter of Sri Prasadi Rajak, Presently working as Trained Teacher, Rajkiya Madhya Vidyalaya, Mahthawa, Block- Bhargama, P.S.- Bhargama, District- Araria- 854334 (Bihar) Permanent Resident of Village/Mohallah- Mahthawa Bazar, P.O.- Mahthawa Bazar, Via- Meriganj, P.S.- Bhargama, District- Araria- 854334 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary to the Government of Bihar, Main Secretariat, Patna- 800015.
2. The Principal Secretary, Primary Education, Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Bailey Road, Patna- 800001. null null
3. The Director, State Council of Educational Research and Training, Bihar, Education Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. M.P. Dixit, Advocate Mr. S.K. Dixit, Advocate Mr. Sanjay Kumar Chaubey, Advocate Ms. Swastika, Advocate
For the Respondent/s	:	Mr. Narendra Kumar-Gp20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-03-2018 Heard Mr. Dixit, learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

Mr. Dixit referring to Annexure- 7 and 8 submits that there is discrepancy in the key answer and he submits that petitioner has scored 36 marks whereas the qualifying marks is 37.

In view of the fact that respondents have issued two model answers of the same question no. 55, respondents are required to consider the representation filed by the petitioner



contained in Annexure-10. He submits that in the past considering the wrong model answers the respondents have rectified their mistake and added the marks while publishing the final result but in the case of the petitioner they have not considered the case in the backdrop of past practice. He also highlighted the wrong question set in the TET examination, 2016.

In the counter affidavit, the respondents have maintained the stand that Review Committee has reviewed the question and submitted report that seven questions are wrong in the question papers of TET. Five questions are wrong in the exam of Physical teacher and 10 questions are wrong in the exam of Urdu teacher. Therefore, uniform decision was taken to delete the wrong questions and evaluate the answer only on the basis of correct questions. He submits that there is statement on affidavit that respondents have taken a decision not to grant grace marks which was practiced earlier and this is applicable to all. There is no question of discrimination in the matter of granting grace marks to the petitioner. The issue of grace marks is not available as a matter of course. However, one issue is required to be considered by this court is discrepancy in the key answer contained in Annexure-7-8 and to that extent,



respondents are required to consider the representation filed by the petitioner contained in Annexure-10 by a reasoned and speaking order within a maximum period of sixty days from the date of receipt/production of a copy of this order in view of the fact that the petitioner is falling short by only one marks in the TET examination and hardship the petitioner is facing on account of same as petitioner is continuing as teacher for the last more than 10 years.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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