

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.251 of 2018**  
**In**  
**Civil Writ Jurisdiction Case No.11653 of 2017**

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1. Bihar School Examination Board, Budha Marg, Patna through the Chairman.
  2. The Chairman, Bihar School Examination Board, Budha Marg, Patna.
  3. The Secretary, Bihar School Examination Board, Budha Marg, Patna.

... .. Respondents-Appellant/s

Versus

1. Bipin Kumar, Son of Late Baliram Sharma, Resident of Village- Nirpur, P.S.- Nalanda, District- Nalanda, Presently residing at Quarter No. F/12, K.T.P.S. Colony, Near Mithapur Overbridge, P.O. G.P.O., P.S.- Jakkanpur, District- Patna.
2. The Principal, Anugrah Narayan College, Boring Road, Patna.
3. The Principal, J.D. Women's College, Bailey Road, Patna.
4. The Controller of Examination, J.D. Women's College, Bailey Road, Patna.

... .. Petitioner-Respondent 1<sup>st</sup> Set.

... .. Respondents- Respondents 2<sup>nd</sup> Set.

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**Appearance :**

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| For the Appellants      | : | Mr. Manish Kumar, Advocate     |
| For the Respondent No.1 | : | Mr. Ajit Kumar Singh, Advocate |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

3     11-12-2018

**Re.: I.A. No. 2184 of 2018**

Mr. Shri Manish Kumar, learned counsel for the Bihar School Examination Board and Shri Ajit Kumar Singh, learned counsel for the respondent-petitioner.

The delay has been sufficiently explained. The limitation petition is allowed and the appeal shall be treated to be within time.

**Re. :L.P.A. No. 251 of 2018**



We have heard Shri Manish Kumar, learned counsel for the Bihar School Examination Board, who has urged that the learned Single Judge has disposed of the writ petition that has given rise to this appeal with a direction to publish the result of the respondent-petitioner which is unjustified in view of the grounds raised in the appeal.

The Court has come across a Division Bench judgment in the case of **Secretary, Bihar School Examination Board & Ors. Vs. Monika Kumari & Ors. (L.P.A. No. 752 of 2018)** decided on 5<sup>th</sup> of July, 2018 that has held as follows:-

“Seeking exception to an order passed on 30th April, 2018 in CWJC No. 2720 of 2018, this appeal has been filed under clause 10 of the Letters Patent.

Respondent-petitioner was a candidate, who had appeared in the Intermediate (Arts) for the session 2015-17 from B.M.D College, Vaishali. She took the examination with English as one of the subjects and in the admit card, the Principal of the Institute made certain corrections. Be that as it may, the respondent-petitioner appeared in the subject of English, the answer sheet was evaluated by the Board and she obtained 62 marks in the subject in question. However, on the ground that in the on-line form generated, she was shown to be a candidate who had appeared in the Hindi Examination and as she was absent in the subject Hindi, her result was not declared even though Hindi was not her subject. It was her case that an error was committed in the on-line form and on evaluation of the fact, the Principal of the College corrected the admit card by replacing Hindi with English



subject. She appeared in the English subject and secured 62 marks.

When the matter came to this Court, the Writ Court examined the matter and found that the respondent-petitioner has not committed any error. She genuinely appeared in the examination with the subject English, her answer sheet was correctly evaluated and 62 marks were awarded to her and holding that she was not responsible for the mistake that was committed has directed for declaration of result within two weeks. In our considered view, in doing so, for various reasons, as are indicated in the order under impugned in this appeal, we see no reason to make any indulgence into the matter. The learned Writ Court has adopted a reasonable approach in legal manner and, therefore, no interference is called for. The appeal stands dismissed.”

In view of the ratio therein, we find that the learned Single Judge was justified in disposing of the writ petition with the directions keeping in view the fact that the respondent-petitioner was entitled to the reliefs claimed by her.

We see no reason to interfere with the impugned judgment. Accordingly, the appeal is dismissed.

**(Amreshwar Pratap Sahi, CJ)**

**(Anjana Mishra, J)**

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