

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16219 of 2018

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Nisha Kumari daughter of Pramod Kumar Singh, Resident of Village- Parsa,
P.S.- Hathauri, District- Samastipur.

... .. Petitioner/s

Versus

1. Bihar School Examination Board, Patna through its Secretary.
2. The Secretary Bihar School Examination Board.
3. The Examination Controller (Senior Secondary), Intermediate Annual Examination, 2018 Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh
For the Respondent/s : Mr. Lalit Kishore

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 23-08-2018 In compliance of this Court's order dated 14.08.2018,

a counter affidavit has been filed by the Bihar School

Examination Board.

Learned counsel appearing on behalf of the Board is

in possession of the petitioner's answer sheet of her Chemistry

paper.

This writ application has been filed seeking following

directions:-

*“(A). For issuance of a writ in
the nature of mandamus directing the
respondents to re-evaluate the answer
sheets of all the four subjects English,
Physics, Chemistry and mathematics of
this petitioner and also to provide the*



photo copy of her answer sheets for her satisfaction, as she had been declared fail in Annual Intermediate Examination (Science), 2018 with Roll code-53045, Roll No.-18010115, Registration No. 53045-R-0500/14, though she had passed and has been called for Centralized Admission Counseling in various institutes through competitive examinations held for admission in Engineering/Architecture/Pharmacy courses of State of Bihar, West Bengal and Kallinga Institute of Industrial Technology (KIIT), Bhuneshwar.

It is the case of the petitioner that despite her satisfactory performance, her Chemistry answer sheet of Intermediate Examination-2018, held by the Bihar School Examination Board, has not been properly evaluated and she has been given much less marks than what she deserved. She has been declared 'fail' in the said Examination, since she could not secure pass marks in the Chemistry paper.

In the counter affidavit filed on behalf of the Bihar School Examination Board, a plea has been taken that there is no provision for re-evaluation of the answer sheets and except for scrutiny of answer book, no further step was required by the



Board, even if the petitioner had any grievance in respect of the evaluation of the answer sheets. It has been stated that the petitioner had applied for scrutiny and upon scrutiny, the experts of the Board did not find any requirement of change.

I have perused the answer sheet of the petitioner's chemistry paper. On perusal of which, I notice that the petitioner's answers have been evaluated and no answer has been left unevaluated.

Learned counsel for the petitioner has submitted that against some of the questions, the examiner had awarded only zero marks though in long answer type questions, the petitioner deserved some marks.

This Court sitting in writ jurisdiction exercising power of judicial review cannot go into the correctness of the decision of the expert, in the present case the examiner. I am also satisfied that the petitioner has not been able to make out an exceptional circumstance for this Court to interfere with the evaluation of her answer sheet.

This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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