

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8613 of 2018

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Kumari Tanya daughter of Shri Mani Bhushan Kumar resident of Village and Post Office Harail, P.S. - Mohiuddin Nagar, District - Samastipur.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board (10 + 2) through its Chairman, Patna, Bihar.
2. The Chairman of Bihar School Examination Board (10+2), Patna, Bihar.
3. The Secretary, Bihar School Examination Board (10+2), Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baidyanath Prasad
For the B.S.E.B.	:	Mr. Gyan Shankar
For the State	:	Ms. Shilpa Singh, G.A.-12
		Ms. Neetu Jha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 13-09-2018 I have heard Mr. Baidyanath Prasad, learned counsel, appearing on behalf of the petitioner and Mr. Gyan Shankar, learned counsel, appearing on behalf of the Bihar School Examination Board. Ms. Shilpa Singh, learned G.A.-12 for the State of Bihar, is also in attendance.

The petitioner is seeking a direction to the respondents to publish her result of 10+2 Examination held in the year 2016.

The facts are short, which are not in dispute. The petitioner had appeared in the Intermediate Examination, 2016. Though she had failed in Chemistry paper as she had scored only '6' marks in theory and '11' marks in objective



examination, she was declared 'pass' after allowing '4' grace marks in terms of the Examination Regulations of the Board. In 2017, the petitioner again appeared in the examination for improvement. The petitioner, this time scored less marks in other subjects except Chemistry. It is the stand of the Board that in accordance with the Regulations dealing with the improvement examination, total marks (theory+practical) in both examination in each subject are considered and compared. The result is published thereafter taking into account the better marks of the two. Since the petitioner had scored less marks in subjects other than Chemistry in the improvement examination, compared to her main examination, the marks which she had scored in the annual examination in the subjects other than Chemistry, have been taken into account and result has accordingly been published.

Learned counsel, appearing on behalf of the petitioner, while assailing the decision of the Bihar School Examination Board, has vehemently argued that it is not possible that a candidate will score exactly the same marks in improvement examination, which he/she had scored in the annual examination and, therefore, he alleges arbitrariness on the part of the Board.



Reason why the score of the petitioner in other subjects has been shown to be the same, as was in the result of her previous examination, is apparent in view of the explanation given by the Bihar School Examination Board in its counter affidavit.

In view of the petitioner's lesser marks in subsequent improvement examination, she has been awarded the marks, which she has originally scored in the examination held in 2016, I do not find any illegality in the Board's action. The relief which is being sought, cannot be granted.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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