

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13572 of 2019

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Jaynendra Kumar S/o Satyendra Kumar R/o Gopkita Pandarak, P.s.- Pandark,
Distt.- Patna

... .. Petitioner/s

Versus

1. The Chairman Bihar School Examination Board Patna
2. The Secretary Bihar School Examination Board, Patna
3. The Examination Controller Bihar School Examination Board, Patna
4. The Principal A.N.S. College Barh, Distt.- patna
5. The Principal Dr. Jakir Hussain Plus 2 Higher Secondary School, Patna City,
Distt.- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, A.G.
For the B.S.E.B.	:	Ms. Binita Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the respondent State, and learned
counsel for the Bihar School Examination Board.

The grievance of the petitioner in the present writ
petition is against the arbitrary decision of the Bihar School
Examination Board in declaring the petitioner failed in the
compartmental examination.

Learned counsel for the petitioner submits that the
petitioner appeared at the supplementary/compartmental
examination in all the papers and secure pass marks in all the
papers, but she was not declared pass because she did not appear



in the practical exam. Learned counsel for the petitioner submits that the regulation of the Board does not permit a candidate to appear at the practical examination afresh. It is further submitted that the petitioner has appeared and declared pass in the previous examination in practical papers.

Considering the aforesaid facts and circumstances, the present writ petition is disposed of with a direction to the Controller of Examination, Bihar School Examination Board to examine its provisions for conducting supplementary examination, if it is found that there is no provision for the supplementary/compartamental for practical examination, in that situation, the respondents have to adopt corrective measures for rectification and declare the petitioner pass, retaining the marks obtained in the previous practical examination. Necessary decision with regard to the declaration of result of the petitioner may be taken within a period of 60 days from the receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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