

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 5650 of 2020

Along with

Interlocutory Application No. 1 of 2020

and

Interlocutory application No. 2 of 2020

and

Interlocutory Application No. 3 of 2020

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1. Neeraj Kumar, aged about 31 years, Male, Son of Harishankar Paswan, Resident of Mohalla - Bibiganj, P.O.- Bhagwanpur, PS- Sadar, District- Muzaffarpur.
 2. Sushmita Kumari, aged about 30 years, Female, Son of Mahendra Singh, Resident of village - Jagdishpur, P.O.- Subhai, P.S.- Vaishali, District- Vaishali.
 3. Vikash Kumar, aged about 25 years, Male, Son of Manoj Thakur, Resident of village - Sripur, P.O.- Maricha, P.S.- Sahajitpur, District- Saran.
 4. Md. Asif Ezbal, aged about 30 years, Male, Son of Md. Salahuddin, Resident of village - Tirwirwan, P.O.- Bhitbhirwan, P.S. + District- Gopalganj.
 5. Kumar Amardeep, aged about 34 years, Male, Son of Abhay Kumar Yadav, Resident of village - Murliganj, P.O. - Murliganj, P.S.- Gol Bazar, District- Madhepura.
 6. Radha Mohan Gupta, aged about 29 years, Male, Son of Jugul Sah, Resident of village - Sundar Patti, P.O.- Chaitya, PS- Pakri Dayal, District- East Champaran.
 7. Abhya Kumar, aged about 29 years, Male, Son of Bhruagnath Prasad, Resident of village - Medhuka, P.O. and P.S.- Sahajitpur, District- Saran.
 8. Ram Babu Singh, aged about 42 years, Male, Son of Sonful Singh, Resident of village - Ismailpur, P.O.- Sondho, P.S.- Goraul, District- Vaishali.
 9. Amit Kumar, aged about 24 years, Male, Son of Suresh Sao, Resident of village and P.O.- Tiuri, PS- Manpur, District- Nalanda.
 10. Mukesh Kumar, aged about 27 years, Male, Son of Mithilesh Paswan, Resident of village - Utra, P.O.- Bheriya, PS- Chandi, District- Nalanda.
 11. Md. Azad Alam, aged about 24 years, Male, Son of Md. Islam, Resident of village + P.O.- Sabnima, P.S.- Athmalgola, District- Patna.
 12. Chandawati, aged about 33 years, Female, D/o Shiv Bachan Singh, Resident of village + P.O.- Kohra Bazar, P.S.- Daudpur, District- Saran.
 13. Ajay Kumar, aged about 23 years, Male, Son of Krishna Mahto, Resident of village + P.O.- Gilani, P.S.- Sare, District- Nalanda.
 14. Hemant Kumar, aged about 31 years, Male, Son of Ram Kialash Shah, Resident of village + P.O.- Bhasar, P.S. + District- Sitamarhi.
 15. Suhani Kumari, aged about 26 years, Female, D/o Surendra Kumar, Resident of village - Noniya Bitgha, P.O.- Dharampur, P.S.- Noorsarai, District- Nalanda.



16. Dharmendra Kumar YadaNov, aged about 26 years, Male, Son of Dev Narayan Prasad Yadav, Resident of Mohalla + P.S. - Kankarbagh Patna, District- Patna.
17. Ashish Kumar, aged about 30 years, Male, Son of Raj Kumar Poddar, Resident of village - Kalyanpur Gaura, P.O.- Dighra, P.S.- Pusa, District- Samastipur.
18. Ravi Kant Prasad, aged about 30 years, Male, son of Nand Lal Prasad, Resident of village - Masan Thana, P.O. + P.S.- Masan, District- Gopalganj.
19. Pawan Kumar Gupta, aged about 25 years, Male, Son of Kishori Saw, Resident of village - Ganjpar, P.O. + P.S.- Barbiga, District- Sheikhpura.
20. Rupesh Kumar Gupta, aged about 34 years, Male, Son of Kishori Saw, Resident of village - Ganjpar, P.O. + P.S.- Barbiga, District- Sheikhpura.
21. Anjly Kumari, aged about 29 years, Female, D/o Saryug Prasad, Resident of village - Ganjpar, P.O. + P.S.- Barbiga, District- Sheikhpura.
22. Kundan Kumar, aged about 26 years, Male, Son of Dhananjay Sharma, Resident of Village + P.O. - Mok, P.S.- Konch, District- Gaya.
23. Santosh Kumar, aged about 38 years, Male, Son of Ramchandra Mahto, Resident of Village - Damodarpur, P.O. + P.S.- Pasopur, District- Begusarai.
24. Veer Bahadur Gautam, aged about 24 years, Male, Son of Shiv Shankar Prasad, Resident of Village + P.O. + P.S.- Bagar, District- Bhojpur.
25. Chiranjeevee Singh, aged about 25 years, Male, Son of Ashok Kumar Singh, Resident of Village + P.O. + P.S.- Ayer, District- Bhojpur.
26. Pradeep Kumar, aged about 30 years, Male, Son of Baiju Sharma, Resident of Village - Pokhawa, P.O. - Pandul, P.S.- Shakurabad, District- Jehanabad.
27. Bipul Kumar, aged about 24 years, Male, Son of Krishna Kant Singh, Resident of Village + P.O.- Danara, P.S.- Vikram, District- Patna.
28. Dhriti Prasad, aged about 30 years, Son of Ajit Prasad Mehta, Resident of Village - Pakri Ara P.O. + P.S.- Pakri, District- Bhojpur.
29. Amresh Rajak, aged about 31 years, Male, Son of Muneshwar Rajak, Resident of Village- Rajapur, P.O.- Rukundi, P.S.- Goh, District- Aurangabad.
30. Binu Radha Kumari, aged about 30 years, Female, D/o Gaya Prasad Sharma, Resident of Village + P.O.- Bhoi, P.S.- Tekari, District- Gaya.
31. Rajeev Kumar, aged about 25 years, Male, Son of Arun Kumar, Resident of Village - Sandh P.O.- Bahapur, P.S.- Karai Parsurai, District- Nalanda.
32. Ajay Kumar, aged about 24 years, Male, Son of Krishna Choudhary, Resident of Village - Alampur, P.O. - Itarhi, P.S.- Indur, District- Buxar.
33. Satyajeet Kumar Arsi, aged about 33 years, Male, Son of Arjun Yadav, Resident of Village - Narha, P.O.- Finglash, P.S.- Raghopur, District- Supaul.
34. Manish Kumar Pandey, aged about 37 years, Male, Son of Ram Kailash Shah, Resident of Village- Bibhupur, P.O.- Ather, P.S.- Nawa Nagar, District- Buxar.
35. Lalan Kumar, aged about 32 years, Male, Son of Gopal Choudhary, Resident of Village- Kawadpur, P.S.- Surajgarha, P.O.- Kawadpur, District-



Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Patna High Court CWJC No.5650 of 2020 dt.22-05-2020 3/7 Secretary, Education Department, Government of Bihar, Patna.
3. The Bihar School Examination Board through its Secretary.
4. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
5. The Examination Controller (Legal) Bihar School Examination Board, Patna.

... .. Respondent/s

Interlocutory Application No. 1 of 2020

1. Abhishek Rajan (Male) Age of about 30 years, Son of Sri Sukendra Singh, R/o "Rajan Kunj" Near-Popular Nourishing Home, Virindavan colony-3, Walmi, Phulwarishariff, Mubarakpur, Patna-801505.
2. Sudhir Kumar (Male) Age of about 30 years, S/o Amrit Ravidas R/o Vill-Nagwan, PO- Shorampur, PS-Janipur, District-Patna.

.....Intervenor-applicants

Interlocutory Application No. 2 of 2020

1. Lovely Kumari, aged about 25 years (Female), D/o Hemant Kumar Mishra, Resident of village-Pauni Hasanpur, PS- Vaishali, District-Vaishali.

.....Intervenor-applicant

Interlocutory Application No. 3 of 2020

1. Abdul Quddus, Male, aged about 35 Years, Son of Md. Siddique, resident of Karhobna, Post Office-Chakai Hat, Police Station-Jokihat, District- Araria, PIN-854329.
2. Md. Ishtiaque, Male aged about 29 Years, Son of Md. Kabir Uddin, resident of Singar Mohani Tola, Ajhwa Ward No-II, Post Office and Police Station-Jokihat, District- Araria, PIN-854329.
3. Md. Badrul Islam, Male, aged about 35 years, Son of Md. Abul Kalam, resident of Tharu Hat, Post Office- Budhnagra, Police Station- Bokhra, District- Sitamarhi, PIN 843318.
4. Md. Arshad Ali, male, aged about 29 Years, Son of Md. Islamul Haque Shah, Resident of – 78, Andharathadi, ward no. 04, District- Madhubani.



5. Md. Hamid Raza Khan, aged about 33 years, son of Md. Ahmad Husain Khan, resident of village-Chakwa, Ward No. 12, Post-Bairgania, Marpa Tahir, District- Sitamarhi-843313.

..... Intervenor-applicants

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar and Ms. Ritika Rani, Advocates
For the State	:	Mr. Ashutosh Ranjan Pandey, AAG 15
For the BSEB	:	Mr. Gyan Shankar, Advocate
For the Intervenor- Applicants	:	Mr. PK Shahi, Sr. Advocate and Mr. Vipin Kumar, Adv. (in IA No.2 of 2020) Mr. Arun Kumar, Adv. (in IA No.1 of 2020) Mr. Navendu Kumar, Adv. (in IA No.3 of 2020)

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 22-05-2020

The matter has been heard *via* video conferencing in view of the lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Dinu Kumar, learned counsel for the petitioners; Mr. Ashutosh Ranjan Pandey, learned Additional Advocate General 15 for the State; Mr. Gyan Shankar, learned counsel for the Bihar School Examination Board (hereinafter referred to as the 'Board'); Mr. P K Shahi, learned senior counsel along with Mr. Vipin Kumar, learned counsel for intervenor-applicants of Interlocutory Application No. 2 of 2020; Mr. Arun Kumar, learned counsel appearing for the proposed intervenor-applicant of Interlocutory Application No. 1 of 2020 and Mr.



Navendu Kumar, learned counsel for the intervenor-applicants of Interlocutory Application No. 3 of 2020.

3. The petitioners have moved the Court for the following reliefs:

“A To hold and declare examination held on 28-01-2020 of Secondary Teachers Eligibility Test 2019 in the State of Bihar is fit to be declared void, illegal and contrary to the Schedule and prescribed syllabus in the subject of Mathematics, Science and Social Science.

B Also for commanding the Bihar School Examination Board authority to cancel the examination of Secondary Teacher Eligibility Test 2019 held on 28.01.2020 at different centers in the State of Bihar except A. N. College, Patna, L. P. Sahi Inter College, Patahi, Mahendra Mahila College, Gopalganj, R. M. College, Saharsa whose examination has already cancelled.

C Also commanding the respondents to conduct a fresh examination of Bihar Teachers Eligibility Test 2019 as per syllabus indicated in schedule issued by Bihar School Examination Board for examination of Secondary Teachers Eligibility Test 2019 as contained in Annexure.....

D Also hold and declare examination held on 28.01.2020 of Secondary Teachers Eligibility Test 2019 in different centers in the State of Bihar is based on malpractice, leakage of question on social media as whats app, facebook, not free from doubt, not free and fair examination.

E Also for necessary relief/reliefs, order/orders, direction/directions, for which the petitioner is entitled in the eye of law.”

4. On 12.05.2020, the matter was adjourned at the request of learned counsel for the Board who had prayed for time



to file counter affidavit. A counter affidavit has been filed on behalf of the Board, which is on record.

5. At the very outset, learned counsel for the Board pointed out that the writ petition has become infructuous as the Board has itself cancelled the Secondary Teachers' Eligibility Test, 2019, which was the prayer of the petitioners in the present writ application. It was submitted that the same has been done by order of the Board dated 16.05.2020.

6. Learned counsel for the petitioners, in the aforesaid background, submitted that he would not be pressing the writ application. However, he pointed out to the stand of the Board, as taken in the counter affidavit, with regard to framing of questions in various subjects for the concerned examination, which, according to him, is at variance with the modalities prescribed in the advertisement.

7. Be that as it may, without going into such issues, the Court finds that the prayer of the writ petitioners for cancellation of the examination no more subsists as the Board itself has cancelled the examination after holding an enquiry. Thus, the writ petition having become infructuous, stands disposed off.

8. With regard to the prayer made in the Interlocutory Applications, which were filed challenging such decision of



cancellation of the examination in question by the Board, without expressing any opinion thereon, the Court would only observe that it being a fresh cause of action, it shall be open to the concerned intervenor-applicants to move in the matter, before the appropriate forum, in accordance with law.

9. Before parting, the Court would only observe that the examination and the setting of questions in the papers concerned is required to be done strictly in conformity with the terms of the advertisement published by the Board for the said examination.

(Ahsanuddin Amanullah, J.)

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