

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7656 of 2020

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1. Nibha Kumari daughter of Hira Lal Mandal, resident of Village- Amahi, P.S.- Ghoghardiha, District Madhubani.
 2. Juli Kumari, wife of Akshay Kumar Jha, resident of Village- Dhanga, West, Ward No. 6, P.S.- Ander, District- Madhubani.
 3. Sangeeta, wife of Hari Sharan Yadav, resident of Parkauli, Ward No. 6, P.S.- Ander, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna.
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The Director, Primary Education, Department of Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
5. The District Magistrate, Madhubani.
6. The District Education Officer-cum- Chairman Nomination Committee, DIET Narar, Madhubani.
7. The Principal, District Institute of Education and Training (DIET), Narar, Madhubani.
8. Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinay Raj, Adv Mr. Gagan Deo Yadav, Adv
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA-7 Mr. Prabhakar Jha, GP-27

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

11 26-08-2021 This matter has been taken up for hearing
online because of COVID-19 pandemic restrictions.

2. The petitioners are seeking quashing of an
order dated 25.06.2020 to the extent the same relates



to the petitioners whereby a list has been issued containing names of candidates whose registration for two years D.El.Ed.(face to face) Course Session 2019-21 has been cancelled. They are also seeking a direction to the respondents to allow them to submit their examination forms and to appear in the first year examination.

3. There are certain facts which are undisputed. A selection process was undertaken for admitting the candidates for the said course by the District Institute of Education and Training (DIET) at Narar, Madhubani. Admittedly, the merit list was to be prepared on the basis of average percentage of marks obtained by respective candidates in matriculation and intermediate examination/10th and 12th examination. The petitioners were the applicants. Petitioner No. 1 belongs to EBC (female) category and 61.70 was the score found to be to her credit. Petitioner No. 2 belongs to general category with her score of 59.90. Petitioner No. 3 also



belongs to general category, his score being 76.40. The petitioners were admitted to the course on the basis of merit list prepared at several stages, viz merit list no. 1, merit list no. 2, merit list no. 3 and merit list no. 4.

4. It appears that after the selection process was completed and admissions were granted, an enquiry was conducted to enquire into the allegation of irregularities in the process of selection in question on the ground that inflated scores were displayed in respect of these petitioners and others, in the merit list, than their actual score. Their admissions/registrations have been cancelled by the decision on ground that their individual scores were marked more in the merit list than they deserved. The said decision is under challenge in the present writ application.

5. Counter affidavits have been filed on behalf of the State of Bihar and Bihar School Examination Board. A supplementary counter affidavit has also been filed. On the basis of the pleadings, it has clearly



emerged that persons below the actual score of petitioner No. 3 against unreserved seats have been allowed to pursue their course. A plea has been taken in the counter affidavit that though the score of petitioner No. 1, who belongs to EBC (female) category is 61.70, she was wrongly shown to be having 71.70 in the merit list. It is specific case of the petitioners, however, that petitioner No. 1 herself had detected such anomaly in the first merit list, whereafter, she had represented before the competent authority for correction in the merit score which was subsequently modified and she was selected on the basis of fourth merit list. A copy of the fourth merit list has been brought on record with the counter affidavit filed on behalf of the State from which, it appears that the name of the petitioners figure along with five other candidates. From the said merit list, it appears that at least two persons having less score than the petitioners had been selected and admitted to the course whose registration/admission is not in question.



Annexure-E to the counter affidavit is the list of such candidates whose selection has been found to be an outcome of manipulation, in the enquiry conducted by the authorities.

6. Mr. Abhinay Raj, learned counsel for the petitioners has submitted that candidature of none of the candidates except the petitioner No. 1, whose name figured in the fourth merit list has been cancelled by the impugned order, though scores of some of them are less than petitioner No. 1. As regards petitioner No. 2, who admittedly belongs to general category with a score of 59.90 marks, she could not have been selected.

7. Mr. P.N. Shahi, learned Additional Advocate General representing the State of Bihar has submitted that considering the large scale bunglings in the process of selection and the fact that inflated score of these candidates were displayed in the respective merit lists, a decision was taken to cancel their registration.

8. Be that as it may, considering the admitted



facts, as noted above, since the persons with lower merit than petitioner No. 1 and petitioner No. 3 have been allowed to continue and their registration have not been cancelled, the impugned order to the extent the same relates to petitioner Nos. 1 and 3 is set aside.

9. As regards petitioner No. 2, considering the admitted fact that she does not belong to EBC category and her admission was based on her claim to be belonging to EBC category, no interference is required, so far as cancellation of her registration by the impugned order is concerned.

10. Accordingly, this application is allowed to the extent it relates to petitioners No. 1 and 3 and is dismissed in respect of petitioner No. 2. The consequences of this order shall follow.

11. The petitioners have failed to fill up the examination forms for the annual examination (1st year) to be held by the Bihar School Examination Board as the last date of submission of examination form expired on



23.08.2021; In the facts and circumstances of the case, the Bihar School Examination Board is directed to accept the examination forms of these petitioners for the first year, if the same is submitted by them with the school within two weeks from today with requisite examination fee and other relevant documents. The Principal, DIET, Narar, Madhubani shall ensure that the examination forms are transmitted to the Bihar School Examination Board forthwith, after following due procedure.

(Chakradhari Sharan Singh, J)

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