

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8278 of 2020

1. Satya Prakash Son of Shashi Bhushan Prasad Singh Resident of Berain, Berai, P.O.- Berai, P.S.- Hathauri, District- Muzaffarpur, Pin Code -843129.
2. Kanhaiya Jee Son of Arvind Singh Resident of Village- Badlapur, P.O.- Ankari, P.S.- Narhat, District- Nawada, Pin Code -805122.
3. Divya Prakash Son of Shashi Bhushan Prasad Singh Resident of Shahbazpur, P.O.- Umanagar, P.S.- Ahiyapur, District- Muzaffarpur, Pin Code -842004.
4. Santosh Kumar Son of Subodh Kumar Yadav Resident of Village- Akbarpur, P.O.- Akbarpur, P.S.- Bhawanipur, District- Purnia, Pin Code- 854204.
5. Madhurendra Kumar Son of Satish Kumar Singh Resident of Umapat Basant urf Bishunpur Umapat, P.O.- B. Basudeo, P.S.- Aurai, District- Muzaffarpur, Pin Code -843117.
6. Jeetendra Kumar Son of Yugal Kishor Ray Resident of Lahladpur, P.O.- Tetaria Factory, P.S.- Rajepur, District- East Champaran, Pin Code- 845436.
7. Chandan Kumar Son of Ajay Sah Resident of Gadhia, P.O. and P.S.- Kumarkhand, District- Madhepura, Pin Code -852112.
8. Akhilesh Kumar Son of Shiv Bachan Verma Resident of Katari, P.O.- Ekbalganj Nisarpura, P.S.- Rani Talab Kanpa, District- Patna, Pin Code- 801112.
9. Rohit Kumar Son of Shailendra Kumar Resident of Chandmari, P.O. and P.S.- Motihari, District- East Champaran, Pin Code- 845401.
10. Amit Kumar Son of Chandeshwar Yadav Resident of Biraul, P.O.- Biraul, P.S.- Biraul, District- Darbhanga, Pin Code- 847203.
11. Deepak Kumar Son of Ravindra Prasad Resident of Yusufpur, Fatwah, P.O.- Fatwah, District- Patna, Pin Code- 803201.
12. Ajnish Kumar Son of Suresh Prasad Resident of Guraru, P.O.- Barman, P.S.- Guraru, District- Gaya, Pin Code- 824118.
13. Gautam Kumar Son of Satish Prasad Singh Resident of Khaira, P.O.- Khaira, P.S.- Bahadurpur, District- Darbhanga, Pin code- 847101.
14. Devesh Saurabh Son of Budhi Nath Jha Resident of Village- Sursand, P.O.- Baghari, P.S.- Sursand, District- Sitamarhi, Pin Code- 843331.
15. Bipin Kumar Son of Ramsundra Prasad Yadav Resident of Beldhar, District- Nawada, Pin Code- 805123.
16. Anshu Sinha Wife of Ambuj Kumar Resident of B-1, Front of Shiv Mandir, Krishi Nagar, Ashiananagar, P.O. and P.S.- Phulwarisharif, District- Patna, Pin Code- 800025.
17. Prince Kumar Son of Shailesh Kumar Thakur Resident of Saray Ali, Lane No. 01, Nayatola, Technical Chowk, P.O.- Amgola, P.S. and District- Muzaffarpur, Pin Code- 842001.
18. Hare Krishna Singh Son of Paramatma Singh Resident of Village- Dariyapur, P.O.Anaith, P.S. & District Bhojpur (Arrah), Pin Code- 802302.



19. Manish Kumar Mahto Son of Dinesh Prasad Mahto Resident of Bhawanipur, Rajdham, P.O.- Ajokopa, P.S. and District- Purnea, Pin Code- 854204.
20. Pankaj Priyadarshi Son of Rajpati Narayan Resident of Raghunathpur, Siddhipur, P.O.- Achua, P.S.- Paliganj, District- Patna, Pin Code- 801110.
21. Bhawna Bharti Daughter of Rajeev Mishra Resident of House No. 105, Lohiyanagar, Ward No. 28, Cheria, Bariarpur, P.O.- Suhirdnagar, P.S.- Anandpur, District- Begusarai, Pin Code- 851218.
22. Manikchandra Kumar Son of Dhuthar Sharma Resident of Ward No. 06, P.O.- Mahinathpur, P.S.- Barmotara, District- Supaul, Pin Code- 852111.
23. Balendra Kumar Son of Ramyogi Prasad Gupta Resident of Sundar Saray, Motipur Nagar, Ward No. 06, P.O. and P.S.- Rasulpur, District- Muzaffarpur, Pin Code- 843111.
24. Mantosh Kumar Son of Bijendra Choudhary Resident of Algubigha, P.O.- Tetrarh, P.S.- Akodhi Gola, District- Rohtas, Pin Code- 821301.
25. Raushan Kumar Jha Son of Hare Ram Jha Resident of Near Hanuman Chowk, Kathra, P.O.- Bathia, P.S.- Sakatpur, District- Darbhanga, Pin Code- 847423.
26. Anand Kumar Son of Nagendra Prasad Resident of P.O.- Agauthar, P.S.- Silhauri, District- Saran, Pin Code- 841418.
27. Kumari Alka Wife of Sudarshan Kumar Resident of Sahjanand Nagar, Ward No. 41, P.O.- Mohan Eghu, P.S.- Muffasil, District- Begusarai, Pin Code- 851129.
28. Ram Babu Singh Son of Arvind Singh Resident of Tumaul, P.O.- Tumaul, P.S.- Ghanshyampur, District- Darbhanga, Pin Code- 847405.
29. Jaykant Mandal Son of Satyanarayan Mandal Resident of Village- Kushmahi, P.O.- Baruar, P.S.- Andharamath, District- Madhubani, Pin Code- 847452.
30. Santosh Kumar Son of Udhav Prasad Yadav Resident of Punarwara Chak, Sambhua, P.O.- Runni Saidpur, P.S. and District- Sitamarhi, Pin Code- 843117.
31. Rohit Prasad Gupta Son of Rajendra Prasad Gupta Resident of New Area, Sasaram, District- Rohtas, Pin Code- 821115.
32. Arti Kumari Daughter of Shankar Dayal Resident of Village- Saraiya, P.O. and P.S.- Sakra, District- Muzaffarpur, Pin Code- 843119.
33. Mritunjay Kumar Son of Jagat Narayan Resident of Near Siyaram Saw Boundary, Patel Nagar, Gondapur, P.O.- Nawadha, P.S.- Nawada Town, District- Nawada, Pin Code- 805110.
34. Rahul Kumar Son of Rambabu Sharma Resident of Village- Amanpur, P.O. and P.S.- Charaut, District- Sitamarhi, Pin code- 843319.
35. Ramu Mahto Son of Satyanarayan Mahto Resident of Kauwahan, P.O.- Laxmipur, P.S.- Chuhari, District- West Champaran, Pin Code- 845450.

... .. Petitioners

Versus

1. The State of Bihar Through the Additional Chief Secretary, Education



Department, Bihar, Patna.

2. Director, Higher Education, Bihar, Patna.
3. Bihar School Examination Board Patna through its Secretary.
4. Chairman, Bihar School Examination Board, Patna.
5. Secretary, Bihar School Examination Board, Patna.
6. Controller of Examinations (Miscellaneous) Bihar School Examination Board, Patna.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Abhinav Srivastava, Advocate
For Respondent-State	:	Mr. Lalit Kishore, Advocate General
For Respondent-Board	:	Mr. Satyabir Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-02-2021

Heard Mr. Abhinav Srivastav, learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State as well as Mr. Satyabir Bharti, learned counsel appearing on behalf of the respondent-Bihar School Examination Board.

The matter was heard at length on different dates. On the submission of Mr. Abhinav Srivastav, learned counsel appearing on behalf of the petitioner that the questions were out of the syllabus in the subject of Mathematics, this Court directed the respondent-Board to provide copy of the question booklet so that the petitioners may file their objections. The Board provided the copy of the question booklet and the petitioners thereafter submitted their objections.



The matter was examined by the Expert Committee. During scrutiny it transpired that the standard of the questions in the Secondary Teachers Eligibility Test, 2019 held on three dates, namely, 10.09.2020, 11.09.2020 and 14.09.2020 was not the same standard. In the examination held on 14.09.2020, questions were below the graduation level but in the examination held on 10.09.2020 and 11.09.2020, the standard of questions was not only above the intermediate level but almost all the questions were of competitive level and even of graduation and post-graduation level. Realizing the fact that the questions were above intermediate level, the respondents have decided to discard those questions detailed in paragraph 7 of the counter affidavit which are quoted hereinbelow:-

“7. That the expert committee through its report dated 10.11.2020 after having considered the objections raised, had opined that in the re-examination of STET 2019 of Mathematics subject held on 10.09.2020 question no. 56, 59, 60, 61 and 74 were of +2 curriculum but were of IIT entrance examination standard. And question no. 66, 96 and 100 were of graduation (Honors) and post graduate standard.

Similarly in connection with re-examination of STET of Mathematics subject held on 11.09.2020 question no. 51, 52, 53, 54, 55, 56 and 63 were of +2 curriculum but were of IIT entrance examination standard. And question no. 76, 79, 85 and 99 were of graduation (Honors) and post graduate standard.



And in connection with the re-examination of STET of Mathematics subject held on 14.09.2020 the expert committee had opined that the questions asked therein were below the graduation standard.”

The Court finds substance that in the competitive examination there should be one and the same standard in the examinations when examinations are held on different dates so that one may not adversely face consequence of different standard of questions set out for the same competitive examination. Those, who appeared in the examination held on 14.09.2020, have the advantage in the competitive examination as questions were of almost matriculation level but in absence of the pleading to the effect that those who appeared on 14.09.2020 are favourite people, the Court is not inclined to interfere with the result of the examination.

However, the Board is required to formulate a policy so that in the competitive examinations held on different dates, standard should be one and the same so that a candidate may not suffer prejudice on account of different standard of questions framed and asked on different dates of examination. The Board should evolve mechanism of internal moderation so that in future there may not be repetition of such situation like the instant one where on different dates, questions were of even



graduation or post-graduation and almost all the questions were of competitive level of intermediate whereas in other examination held on 14.09.2020, the standard of the examination was quite below in comparison to those who appeared at the examinations held on 10.09.20 and 11.09.2020.

Though the writ petition failed but this writ petition is eye-opener for the Bihar School Examination Board. The Court hope and trust that henceforth while holding examinations on different dates, the Board will adhere to the mechanism of moderation so that no person shall suffer prejudice on account of different standard of questions set out for examination held on different dates for the same examination. The Board shall religiously follow this guideline in all its future examinations.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.02.2021
Transmission Date	N.A.

