

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16036 of 2019

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Soni Kumari, aged about 19 years, Female, Daughter of Bhola
Saw, Resident of village-Parariya, P.S. Tekari, District-Gaya

----- Petitioner

versus

1. The Chairman, Bihar School Examination Board (S.S.),
Budh Marg, Bihar, Patna
2. The Secretary, Bihar School Examination Board (S.S.) Budh
Marg, Bihar, Patna
3. The Principal, S.N. College, Tekari, P.S. Tekari, District-
Gaya

----- Respondents

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Appearance:-

For the Petitioner :- Mr. Anil Kumar Saxena, Advocate

For the State :- Ms. Binita Singh, SC-28

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3. **10.08.2021** The instant case has been taken up for
consideration through the mode of Video conferencing in view
of the prevailing situation on account of COVID 19 Pandemic,
requiring social distancing.



The present writ petition has been filed seeking the following reliefs:-

- (I) For correcting the attendance sheet of Physics Practical, which wrongly states that the petitioner did not appear in Physics Practical Examination on 16.01.2019.*
- (II) For direction to the Respondent Authorities for publication of result of Intermediate (Science) of the petitioner, whereas the petitioner was present and participated in the aforesaid physics practical examination.*

The learned counsel for the petitioner has submitted that though the petitioner had appeared in the Physics Practical paper on 16.01.2019 and her answer book bears no. 12386690 as also had made her attendance but her result has been declared as failed on account of being absent in the Physics practical paper.

Per contra, the learned counsel for the Bihar School Examination Board Ms. Binita Singh has submitted that the respondent Board had also enquired from the Principal of the concerned college about the actual position but it appears



that the petitioner had not participated in the Physics Practical Examination, 2019.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, this Court finds that disputed question of fact are involved in the present case which cannot be adjudicated in a writ petition under Article 226 of the Constitution of India, hence this Court deems it fit and proper to grant liberty to the petitioner to file appropriate representation before the Chairman, Bihar School Examination Board, Patna within a period of one week from today whereupon the Chairman, Bihar School Examination Board, Patna shall make enquiries from the college in question as also examine the records available with the Board and pass a reasoned and speaking order, in accordance with law, within a period of two weeks thereafter, keeping in mind that the session of a young student may not be wasted.

(Mohit Kumar Shah, J)

S.Sb/-

