

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.978 of 2019

In
Civil Writ Jurisdiction Case No.6592 of 2016

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Khurshida Khatoon

... .. Appellant/s

Versus

The Bihar School Examination Board Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anamul Haque
For the Respondent/s : Mr. Lalit Kishore

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 18-10-2022

In the instant petition, petitioner has assailed the order of the learned Single Judge dated 15.07.2019 passed in CWJC No. 6592 of 2016.

Question for consideration in the present L.P.A No. 978 of 2019 is whether order of the learned Single Judge could be interfered or not? Undisputedly, subject matter of litigation is relating to Bihar Elementary Teacher Eligibility Test-2011 (.E.T.E.T.-2011) examination for the year, 2011. In order to rectify any error in respect of appellant case is concerned. She should have approached this Court within a reasonable period of time of three months from the date of announcing the Bihar Elementary Teacher Eligibility Test-2011 (.E.T.E.T.-2011) examination result.



On the other hand, C.W.J.C No. 6592 of 2016 was presented in the year, 2016. Moreover, learned Single Judge has recorded the respondent's statement that subject matter of O.M.R sheet which was required to be re-evaluated or not? The respondents have made specific statement that they have destroyed the O.M.R sheets in respect of 2011, Bihar Elementary Teacher Eligibility Test-2011 (.E.T.E.T.-2011) examinations.

In such circumstances, question of interference with the learned Single Judge order is not proper. At the same time, Apex Court in case of *Ashok Kumar and Another Vs. State of Bihar and Ors.*, reported in *(2017) 4 SCC 357* held that selection and appointment matters are concerned, if a candidate is aggrieved, in that event, he or she has to approach Court of law within a reasonable period of time.

Accordingly, the appellant has not made out case, hence, the present appeal is dismissed while confirming the order of learned Single Judge dated 15.07.2019 passed in C.W.J.C No. 6592 of 2016.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

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