

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1017 of 2019

In

Civil Writ Jurisdiction Case No.10316 of 2019

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Rajesh Kumar ,S/o Late Satya Narayan Prasad Chaurasiya Father (Guardian)
of Minor Daughter as namely Amita Anand (female), age near about 17 years,
father Rajesh Kumar, Resident of Village- Jadhua Barai Tola, Post Office-
Hajipur (Industrial Area), District- Vaishali- 844102.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Sachiwalya, Patna.
2. The Principal Secretary Education Department Government of Bihar, Sachiwalya, Patna.
3. The Director of Education Department Bihar Sachiwalya, Patna.
4. That Chairman Bihar School Examination Board, Patna.
5. The Secretary Bihar School Examination Board, Patna.
6. The Examination Controller Bihar School Examination Board, Patna.
7. The Head Master Green Field Knowledge City Jadhua, Vaishali.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Singh

For the Respondent/s : Mr. Ashutosh Ranjan Pandey (AAG15)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 19-07-2022

Heard Mr. Surendra Kumar Singh, learned Advocate for the appellant and Mr. Gyan Shankar, for the Bihar School Examination Board. The State is represented by Mr. Prabhat Ranjan Singh.

The minor daughter of the appellant had failed in Class-X, for the reason that she had not been given seven (7) grace marks in the subject Mathematics and because of not including twenty one (21) marks obtained by her in Sanskrit paper, which was inadvertent. No sooner was it detected, twenty one (21) marks in Sanskrit paper and seven (7) grace marks in Mathematics was awarded to the daughter of the appellant. However, then also, the daughter of the appellant could not pass.

When the matter was argued before the learned Single Judge, it was made known to him that the marks



in Sanskrit paper, which had inadvertently not been added in the total marks of the student, was rectified and seven (7) grace marks was also added in the marks obtained by the student in Mathematics paper.

Considering the afore-noted statement, the writ petition was dismissed.

Mr. Surendra Kumar Singh, learned Advocate for the appellant, however, while challenging the aforesaid order of dismissal of the writ petition, submits that the learned Single Judge ought to have also adverted to the fact that the marking in other papers also was low and, therefore, the student could not pass.

We have no reasons to entertain such appeal when such plea was not taken before the learned Single Judge and there being no provision for re-evaluation of the papers of the student by the Board.

There is no merit in this appeal.



We would have otherwise not allowed this case to go cost easy, but for the fact that it concerns the academic life of a student.

The appeal is dismissed accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/-

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