

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3725 of 2023

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1. Kalpana Priya Wife of Om Prakash resident of village - Kamarkala, P.S. Birol, District- Darbhanga.
 2. Anupam Bharti, Wife of Sudhira Kumar, resident of Ward no. 11, Suryahi, P.S. - Phulparas, District - Madhubani.
 3. Rina Kumari, Wife of Jitendra Kumar Chaudhary, resident of ward no. 4, Kamarkala, P.S.- Birol, District - Darbhanga.
 4. Mithilesh Kumar Son of Vinod Kamti, resident of ward no.4 Kamarkala, P.S. - Birol District - Darbhanga.
 5. Md. Wasim, Son of Abdul Latif, resident of Ward no. 3 Kamarkala, P.S. - Birol, District - Darbhanga.

... .. Petitioners

Versus

1. The Chairman, Bihar School Examination Board Patna.
2. The Bihar School Examination Board Patna through its Secretary.
3. The Secretary, Bihar School Examination Board, Patna.
4. That Examination Controller, Bihar School Examination Board, Patna.
5. The Principal, Maa Kamla Chandrika Jee Teacher's Training College, C. Nagar, Jahanabad, District Jahanabad.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Md. Musowir, Advocate
For the Board	:	Mr. Ajay, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioners and the Bihar School Examination Board (hereinafter referred to as the 'Board').

The petitioners in the present case are seeking a direction commanding the respondent Board to allow them to participate in the special examination of the subject in which the petitioners have either failed to clear or were absent in respect of the said subject for the Session 2017-19.



It is their own case that the petitioners had appeared in the special examination held in the year 2021 in which they failed. In the writ application, a wrong statement has been made that the examination held in 2021 was final examination in fact the annexures to the writ application made it clear that it was special examination.

On the last date, it was the submission of learned counsel for the petitioners that special examination is being conducted but the petitioners are not being allowed to participate in the said examination. It is because of these statements at the Bar, this Court called upon learned counsel for the Board to seek instruction as to why the petitioners who belong to Session 2017-19 may not be permitted to appear in the next examination.

At the same time, this Court directed the petitioners to place on record the advertisement, if any, which has been published for the next examination.

Today, learned counsel for the Board has informed that no special examination for the Session 2017-19 is being conducted. Learned counsel for the petitioner is also unable to place on record any advertisement showing holding of a special examination for this session.



In the aforesaid view of the matter, this Court is of the opinion that this writ application has been filed on a wrong premise. The petitioners had earlier appeared in the special examination but they failed. At this stage, the Board is not conducting any special examination.

This writ application would, therefore, fail but without prejudice to the interest of the petitioners. In case in future the Board so decides in accordance with law to conduct any special examination for this session, it will be open for the petitioners to request the Board to allow them to participate in such examination.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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