

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.275 of 2021

In

Civil Writ Jurisdiction Case No.8278 of 2020

-
-
1. Kanhaiya Jee Son of Arvind Singh Resident of Village - Badlapur, P.O. - Ankari, P.S. - Narhat, District- Nawada, Pin Code - 805122.
 2. Ramu Mahto Son of Satyanarayan Mahto Resident of Kauwahan, P.O. - Laxmipur, P.S. - Chuhari, District- West Champaran, Pin Code - 845450.
 3. Chandan Kumar Son of Ajay Sah Resident of Gadhia, P.O. and P.S. Kumarikhand, District- Madhepura, Pin Code - 852112.
 4. Mritunjay Kumar Son of Jagat Narayan Resident of Near Siyaram Saw Boundary, Patel Nagar, Gondapur, P.O. - Nawadha, P.S. Nawada Town, District- Nawada,
 5. Santosh Kumar Son of Subodh Kumar Yadav Resident of Village - Akbarpur, P.O.- Akbarpur, P.S. - Bhawanipur, District- Purnia, Pin Code - 854204.
 6. Manikchandra Kumar Son of Dhuthar Sharma Resident of Ward No. 06, P.O. - Mahinathpur, P.S. - Barmotara, District- Supaul, Pin Code- 852111.
 7. Rahul Kumar Son of Rambabu Sharma Resident of Village - Amanpur, P.O. and P.S. - Charaut, District- Sitamarhi, Pin Code - 843319.
 8. 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.
 9. Jaykant Mandal Son of Satyanarayan Mandal Resident of Village - Kushmahi, P.O. - Baruar, P.S. - Andharamath, District- Madhubani, Pin Code - 847452.

... .. Appellant/s

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.
7. Satya Prakash Son of Shashi Bhushan Prasad Singh Resident of Berain, Berai, P.O. - Berai, P.S. - Hasthauri, District- Muzaffarpur, Pin Code - 843129.
8. Divya Prakash Son of Shashi Bhushan Prasad Singh Resident of Shahbazpur, P.O. - Umanagar, P.S. - Ahiyapur, District- Muzaffarpur, Pin Code - 842004.



9. 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.
10. Jeetendra Kumar Son of Yugal Kishor Ray Resident of Lahladpur, P.O. - Tetaria Factory, P.S. - Rajepur, District- East Champaran, Pin Code - 845436.
11. Akhilesh Kumar Son of Shiv Bachan Verma, Resident of Katari, P.O. - Ekbalganj Nisarpura, P.S. - Rani Talab Kanpa, District- Patna, Pin Code - 801112.
12. Rohit Kumar Son of Shailendra Kumar Resident of Chandmari, P.O. and P.S. - Motihari, District- East Champaran, Pin Code - 845401.
13. Amit Kumar Son of Chandeshwar Yadav Resident of Biraul, P.O. - Biraul, P.S. Biraul, District- Darbhanga, Pin Code - 847203.
14. Deepak Kumar Son of Ravindra Prasad Resident of Yusufpur, Fatwah, P.O.- Fatwah, District- Patna, Pin Code- 803201.
15. Ajnish Kumar Son of Suresh Prasad Resident of Guraru, P.O.- Barman, P.S.- Guraru, District- Gaya, Pin Code- 824118.
16. Gautam Kumar Son of Satish Prasad Singh Resident of Khaira, P.O.- Khaira, P.S.- Bahadurpur, District- Darbhanga, Pin code- 847101.
17. Devesh Saurabh Son of Budhi Nath Jha Resident of Village- Sursand, P.O.- Baghari, P.S.- Sursand, District- Sitamarhi, Pin Code- 843331.
18. Bipin Kumar Son of Ramsundra Prasad Yadav Resident of Beldhar, District- Nawada, Pin Code- 805123.
19. 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.
20. 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.
21. Hare Krishna Singh Son of Paramatma Singh Resident of Village- Dariyapur, P.O.- Anaith, P.S. and District- Bhojpur (Arrah), Pin Code- 802302.
22. Manish Kumar Mahto Son of Dinesh Prasad Mahto Resident of Bhawanipur, Rajdham, P.O.- Ajokopa, P.S. and District- Purnea, Pin Code- 854204.
23. Pankaj Priyadarshi Son of Rajpati Narayan Resident of Raghunathpur, Siddhipur, P.O.- Achua, P.S.- Paliganj, District- Patna, Pin Code- 801110.
24. Bhawna Bharti Daughter of Rajeev Mishra Resident of House No. 105, Lohianagar, Ward No. 28, Cheria, Bariarpur, P.O.- Suhirdnagar, P.S.- Anandpur, District- Begusarai, Pin Code- 851218.
25. Mantosh Kumar Son of Bijendra Choudhary Resident of Algubigha, P.O.- Tetrarh, P.S.- Akodhi Gola, District- Rohtas, Pin Code- 821301.
26. 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.



27. Anand Kumar Son of Nagendra Prasad Resident of P.O.- Agauthar, P.S.- Silhauri, District- Saran, Pin Code- 841418.
28. 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.
29. Ram Babu Singh Son of Arvind Singh Resident of Tumaul, P.O.- Tumaul, P.S.- Ghanshyampur, District- Darbhanga, Pin Code- 847405.
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.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhinav Srivastava, Advocate
For the Board	:	Mr. Satyabir Bharti, Advocate
For the State	:	Mr. Shashi Shekhar Tiwary, AC to AAG 13

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 09-01-2023

Re: I.A. No. 1 of 2022

Heard I.A. No. 1 of 2022 for condonation of delay in filing the present L.P.A.

2. For the reasons stated in the application and affidavit, delay of six days in filing L.P.A. is condoned. I.A. No. 1 of 2022 stands allowed.

3. With the consent of the learned counsels for the respective parties, matter is taken up for final disposal.

4. Secondary Teachers Eligibility Test (STET) stated to have been conducted for the year 2019. Insofar as Mathematics



subject is concerned, due to alleged certain irregularities committed by the examination authority, Mathematics subject examination was re-held on three different dates namely 10.09.2020, 11.09.2020 and on 14.09.2020. Appellants were stated to have been participated in the process of examination held on 10.09.2020, 11.09.2020. After comparing the question papers for the aforesaid dates, the question papers were lessor standard on 14.09.2020. On 10.09.2020 and 11.09.2020, standard of question paper was out of syllabus and it was on higher side.

5. Paragraph 7 of the counter affidavit which has been extracted by the learned Single Judge in its order dated 18.02.2021 reads as under:

“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.”



6. The aforesaid discrepancy has been removed in normalization process. In other words, the aforesaid question numbers mentioned in the paragraph 7 of the counter affidavit stated to have been deleted and thereafter, marks have been awarded out of 94, 95 or 96. In other words, appellants have been extended benefit with reference to their allegation that standard of questions for the examination held on 10.09.2020 and 11.09.2020 has been streamlined. Despite that the appellant could not pass the examination with reference to cut-off marks i.e. 50 % for the general category and respective category, it has been relaxed to some extent. In the light of these facts and circumstances, grievance of the appellants in the writ petition has been resolved. If they have any further disputed issue, in that event they had a fresh cause of action insofar as normalization of process (moderation) they are at liberty to file civil writ.

7. Accordingly, the present L.P.A. stands disposed off.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	11.01.2023
Transmission Date	

