

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9719 of 2021

1. Ranjan Kumar Son of Sri Ramashish Yadav resident of village- Shahpur, P.s.- Rajgir, Barakar, District- Nalanda
2. Nitish Kumar Son of Sri Vishnudeo Prasad resident of village- Tilaiya, P.o.- Pathroura, P.s.- Chhabilapur, Rajgir, District- Nalanda
3. Chandan Kumar Son of Vindeshwar Prasad resident of Near Aruniya Construction, P.V.T., P.s.- Rajgir, District- Nalanda
4. Amit Kumar Son of Sri Sitaram Prasad resident of village- Tilaiya, P.o.- Pathraura, P.s.- Chhabilapur, Rajgir, District- Nalanda
5. Suresh Kumar Son of Sri Sitaram Prasad resident of village- Tilaiya, P.o.- Pathroura, P.s.- Chhabilapur, Rajgir, District- Nalanda
6. Bipin Kumar Son of Sri Mundrika Prasad resident of village- Rangila Bigha, P.o.- Dharhara, P.s.- Nalanda, Daharhara, District- Nalanda
7. Munna Kumar Son of Sri Rajdev Sah resident of village- Bahilwara Rupnath, P.s.- Saraiya, District- Muzaffarpur
8. Amresh Kumar Son of Sri Awadh Biharee Singh resident of village- Fanda, P.o.- Dorigama Dih, P.s.- Karza, District- Muzaffarpur
9. Ragini Kumari Daughter of Sri Ram Naresh Chaudhary Wife of Sri Raju Ranjan, resident of village- Thikhan Aswari, Thikaho Urf Aswari, Thikaha basudeo, P.s.- Kathaiya, District- Muzaffarpur
10. Soni Kumari Daughter of Sri Jaimangal Rai wife of Golu Kumar, resident of village- Chintamanpur, P.s.- Belsar, District- Vaishali
11. Sujita Kumari Daughter of Sri Vinod Kumar Singh resident of village and P.o.- Abul Hasanpur via Prataptand, P.s.- Vaishali, District- Vaishali
12. Prince Kumar Singh Son of sri Parmanand Singh resident of village- Patedhi Khurd, Aniruddh Belsar, Patedhi Khurd, P.s.- Patekha Khurd, District- Vaishali
13. Subodh Thakur Son of sri Ramdev Thakur resident of village and P.o.- Hauzpura, P.s. and District- Vaishali
14. Pralyanka Jee Akela Son of Sri Ramesh Kumar Akela resident of village and P.o.- Hauzpura, P.s and District- Vaishali
15. Jitendra Kumar Son of Sri Tilakdhari Paswan resident of village- Barhatiya, P.o.- Majhauri, P.s. and District- Vaishali
16. Arpana Kumari Daughter of Sri Harishadhan Chaudhary wife of Pankaj Kumar, resident of village- Pharda Bridge, Patahi Jagannath Kharauna, P.s.- Vaishali, District- Vaishali
17. Ajeet Kumar Son of Sri Mahesh Sah resident of village- Ward no. 17, Sadpur Dumra, P.s.- Mahua, District- Vaishali
18. Ajant Kumar Sri Ram Bahadur Thakur resident of village- Pranpur Bardhiya, Turki, P.s.- Mahua, District- Vaishali
19. Abhishek Kumar Son of Sri Chandeshwar Prasad Saini resident of village- ward no. 12, Babuara, P.s.- Mahua, District- Vaishali



20. Sant Kumar Sahni Son of Sri Yugal Sahni resident of vill.- Kishunwara, P.s.- Patepur, Dist.- Vaishali
21. Kumari Supriya Wife of Hariom, resident of village- Navjeevan Colony, Helabajar, P.s.- Hajipur Town, District- Vaishali
22. Pushpa Kumari Daughter of Uttim Narayan Ojha Wife of Nitish Kumar, resident of Holding no. 197, Masjid Chawk, Bela Road, Laxmi Narayan Nagar, Bela, R.K. Ashram, P.s.- Muzaffarpur Town, District- Muzaffarpur

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. Additional Chief Secretary, Education Department, Government of Bihar, Patna
3. Director, Secondary Education, Government of Bihar, Patna
4. Bihar School Examination Board through its Secretary, Patna
5. Chairman, Bihar School Examination Board, Patna
6. Examination Controller (Miscellaneous), Bihar School Examination Board, Patna

... .. Respondents

Appearance :

For the Petitioner/s	:	Ms. Anju Kumari, Advocate
For the Respondent/s	:	Mr. Madhaw Prasad Yadav, GP-23
For the Board	:	Ms. Binita Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 25-08-2023 Learned counsel for the petitioners does not dispute that this case would be covered by the order dated 11.07.2023 passed in **CWJC No. 12582 of 2021 (Shambhu Sharan Mandal Vs. The State of Bihar and Ors)**.

2. In the said case, after considering the submissions of learned counsel for the parties, this Court has taken the following views:-

“Having heard learned counsel for the petitioner and learned senior counsel for the Board as also on perusal of the records, this Court finds that the respondent- Board has taken a categorical stand that the petitioner



has obtained less than 45% marks, therefore, he has not been declared qualified. The grievance of the petitioner with reference to the grace marks allowed in some of the examinations would not be a ground for him to take a plea that this Court may issue a Writ of Mandamus directing the respondents to continue with such policy of awarding grace marks.

In the opinion of this Court, it is in the domain of the Institution/ Board only to take such policy decisions depending upon the circumstances which in their opinion demand such decision. So far as this Court is concerned, since the petitioner has failed to demonstrate that he has any legal right under which the respondent may be forced to award a grace mark, this Court would refrain from issuing a Writ of Mandamus.”

3. This writ application is disposed of in terms of the order dated 11.07.2023 passed in CWJC No. 12582 of 2021.

(Rajeev Ranjan Prasad, J)

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