

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11047 of 2021

1. Parmanand Singh Son of Rajdev Singh Resident of Village-Girdhariya, P.S.-Sheosagar, P.O.-Sheosagar, District-Rohtas.
2. Sandeep Kumar Son of Brij Bihari Sah Resident of Saidpur Jhauwan, P.S.-Awatar Nagar, P.O.-Saidpur, District-Saran.
3. Azad Alam Son of Md. Islam Resident of Sabnima, P.S.-Athmalgola, P.O.-Sabnima, District-Patna.
4. Miku Pal Son of Sukulwari Pal, Resident of Village-Bishunpura, P.S.-Nokha, P.O.-Baraon, District-Rohtas.
5. Arunish Kumar Son of Dev Pujan Singh Resident of Village- Khiriaon, P.S.-Kachhwan, P.O.-Khiriaon, District-Rohtas.
6. Adarsha Chadra Son of Ajay Kumar Mehta, Resident of Village-Ekchari, P.S.-Pahalgaon, P.O.-Ekchari, District-Bhagalpur.
7. Deepak Kumar Mandal, son of Girish Kumar Mandal, Resident of village-Ekchari, P.S.-Pahalgaon, P.O.-Ekchari, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Bihar School Examination Board, Patna through its Secretary,
5. The Chairman, Bihar School Examination Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Mishra, Advocate
For the State	:	Mr. Arvind Kumar, AC to GP-23
For the BSEB	:	Mr. Satyabir Bharti, Advocate
		Mr. Abhishek Anand, Advocate
		Ms. Sushmita Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 25-08-2023 Learned counsel for the petitioner as well as learned counsel for the Bihar School Examination Board are in agreement that this case is equally covered by the order of this Court passed in CWJC No.12582 of 2021 on 11.07.2023. The



operative part of the said order reads as under:-

“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.”

This writ application is disposed of in terms of the order of this Court in CWJC No.12582 of 2021.

(Rajeev Ranjan Prasad, J)

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