

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6356 of 2018

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Sabnam Hyaat D/o Abul Hyaat, R/o Islampur, Wakilpara, P.O and P.S.-
Islampur District- Uttar Dinajpur, West Bengal.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Bihar School Examination Board through its Chairman.
4. The Chairman, Bihar School Examination Board.
5. The Secretary, Bihar School Examination Board.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Archana Jha, Advocate
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw, GP-23
		Mr. Arvind Kumar, AC to G.P.-23
For the B.S.E.B.	:	Mrs. Binita Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-10-2023 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar School Examination Board.

2. The present writ petition has been filed for issuance of direction to the respondent-Board to re-examine/scrutinize the answer paper of the petitioner of Social Science subject of Bihar Elementary Teacher (Trained) Eligibility Test (BETET)-2017 and further to grant 10 marks to the petitioner for the ten wrong questions in the subject of Social Science in Bihar Elementary Teacher (Trained) Eligibility Test (BETET)-2017



conducted by the Bihar School Examination Board (hereinafter referred to as 'the Board').

3. Learned counsel for the petitioner submits that petitioner appeared in the Bihar Elementary Teachers (Trained) Eligibility Test (BETET)-2017 conducted by the Board and upon the publication of the result she was awarded only 71 Marks. The petitioner has applied for re-examination/scrutiny then she was again awarded 71 Marks and there was no change in her marks, which shows that the Board did not re-examine/scrutinize the Social Science paper of the petitioner. It is the contention of the petitioner that the respondent ought to award 10 Marks to each students for ten wrong questions.

4. Learned counsel for the Board submits that the issue of ten wrong questions has already been decided by a coordinate Bench of this Court in the case of **Ashoke Kranti and Others Vs. State of Bihar through Chief Secretary and Others** reported in **2019 (3) PLJR 826**, whose para-23 reads as under:-

“The Court, therefore, comes to a considered opinion that the only way to restore confidence and faith in the examination so held by the Examination Board would be to delete as many questions which are said to be 10 in Paper-I and



13 in Paper-II and evaluate the answer sheet of all the candidates with reduced number of correct questions. The publication of result after the above exercise will throw up the correct merit position of all the candidates with advantage or disadvantage to none, especially when it has already been noticed that this test also will have a bearing on the final merit as weightage is required to be given on the basis of performance in TET examination.”

5. In the light of the submissions made by the parties, it appears to this Court that there is no question that the demand of petitioner to provide 10 more Marks to her is not possible as the coordinate Bench of this Court has already decided to delete the alleged wrong questions and, then, calculate the marks.

6. In this view of the matter, there is no merit in the case of petitioner. Hence, this application is dismissed.

(Dr. Anshuman, J)

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