

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9929 of 2023

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Gaurav Kumar Pandey @ Saurav Kr. Pandey, Son of Rishikesh Pandey,
Resident of Village- Mirjapur, Bharpura, P.S- Sonepur, District- Saran.
... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. District Education Officer, Saran.
5. Headmaster K.P.S.P High School, Gangajal, Sonepur, Saran.
6. The Secretary, Bihar School Examination Board, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Mishra, Advocate
For the Respondent/s	:	Ms. Binita Singh, SC- 28
		Mr. Vivek Anand Amrithesh, AC to SC-28
For the BSEB	:	Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-07-2023 Heard learned counsel for the petitioner, learned counsel for the Bihar School Examination Board (hereinafter referred to as the 'Board') and learned counsel for the State.

2. The petitioner who has already passed his matriculation examination in the year 2005 in IInd Division is seeking a writ in the nature of Mandamus directing the Board and its authorities to allow him to appear third time in the matriculation examination.

3. Learned counsel for the petitioner submits that after passing his matriculation board examination in the year 2005 in which he obtained 382 marks out of 700 and was placed in IInd



division, the petitioner again appeared in the year 2008 and obtained 326 marks and this time he got about 64% marks but the petitioner is having an ambition for obtaining more than 80% marks, therefore, he wanted to sit third time in the examination.

4. The grievance of the petitioner is that he is not getting permission to fill up the form for the year 2023. Learned counsel submits that since the matriculation examination of the year 2023 has already been conducted, the petitioner may be permitted to appear in the annual examination of the year 2024.

5. Mr. Gyan Shankar, learned counsel for the Board submits that the Board does not permit a student to take examination for the second time if he has already passed the examination in his earlier attempt. The Board has, however, a provision to allow a willing candidate to appear in the improvement examination. A student can fill up a form for a particular subject in the subsequent year to improve his marks but cannot sit as a regular student in the annual examination.

6. Learned counsel submits that under what circumstances and on the basis of which kind of declaration, the petitioner got to appear subsequently in the year 2008 may be a matter to be looked into.



7. Learned counsel submits that the petitioner cannot be permitted to appear third time in the annual examination because there is neither any such provision nor precedence.

8. In the given facts and circumstances of the case in view of the stand of the Board, this Court finds no merit in this writ application.

9. This writ application stands dismissed.

(Rajeev Ranjan Prasad, J)

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