

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11447 of 2022

Niraj Kumar S/o Sri Nagendra Ram, Resident of Village- Shahpur, P.S.- Kanti, P.O.- Bishnudattpur, District- Muzaffarpur, State- Bihar, Pin- 843113, at present posted as Panchayat Teacher at R.P.V. Mirjapur Mainsthan, Block- Kanti District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The Director, State Council of Educational Research, Bihar, Patna.
5. The Chairman, Bihar School Examination Board, Bihar.
6. The Secretary, Bihar School Examination Board, Bihar.
7. The District Education Officer, District- Muzaffarpur.
8. The District Programme Officer, Establishment, District- Muzaffarpur.
9. District Programme Officer, SSA, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nalin Kumar, Advocate
For the Respondent no.5 & 6 Bihar School Examination Board	:	Mr. Ajay Behari Sinha, Sr. Advocate Nr, Burah Rahm Advocate
For the State	:	Mr.Umesh Narayan Deubey, AC to GP 27

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 09-02-2023 The petitioner by way of this writ petition challenges the final statement of marks issued by the Bihar School Examination Board, whereby in subject of Elementary Education (Open Distance Learning) (Diploma), petitioner has been shown to have failed and absent in the third Semester.

2. Learned counsel submits that the petitioner has appeared in the examination and wrongly been shown as absent.



3. It is further submitted that the petitioner has represented to the Board and also submitted RTI application but the same remained unanswered.

4. This Court finds that the question regarding the petitioner being absent or present in the particular examination is a subject matter of evidence and can not be adjudicated in this jurisdiction.

5. However, as the petitioner has already submitted his representation to the State Council of Educational Research and Training (hereinafter to be referred as the 'SCERT'), it is directed that the SCERT shall examine the representation and if required, an opportunity will also be provided to the petitioner and a speaking order will be passed within a period of three months.

6. If the petitioner is further aggrieved, he may take up the matter before the Civil Court to prove that he was present and appeared in the examination.

7. The writ petition is disposed of in the aforesaid circumstances.

(Sanjeev Prakash Sharma, J)

Chn/-
Item No.32

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