

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1379 of 2019

In

Civil Writ Jurisdiction Case No.13572 of 2019

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1. The Bihar School Examination Board, Patna through its Secretary
 2. The Chairman, Bihar School Examination Board, Patna
 3. The Secretary, Bihar School Examination Board, Patna
 4. The Examination Controller, Bihar School Examination Board, Patna

... .. Appellant/s

Versus

1. Jaynendra Kumar S/o Satyendra Kumar R/o Gopkita Pandarak, P.S.-
Pandarak, Distt.- Patna
2. The Principal A.N. College, Barh, Distt.- Patna
3. The Principal Dr. Jakir Hussain +2 Higher Secondary School, Patna City,
Distt.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gyan Shankar, Advocate

For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 30-08-2023

Re.: I.A. No.2 of 2019

Having gone through the averments in the affidavit,
we are satisfied that the delay in filing of the appeal has been
sufficiently explained. The delay condonation application is
allowed. The appeal shall be treated to be within time.

Re.: L.P.A. No.1379 of 2019

The petitioner who did not appear in the practical
examinations challenged the action of the Bihar School
Examination Board in failing him on the ground that he had



earlier appeared and passed in the examination.

The petitioner's case was considered by the learned Single Judge and it was found that if there is no provision for the supplementary or compartmental practical examination, the respondent should adopt corrective measures and declare the petitioner passed, retaining the marks obtained in the previous practical examination.

In fact, the petitioner did not appear in the practical examinations along with the written examination. In identical cases, similar orders were passed which was challenged in appeal. In appeal, a Division Bench of this Court found that the provision for taking examination of practicals in compartment, was only permitted for students who failed in 2018 and 2019 examination and not for the students of the 2017 batch. The petitioner was a student of the 2017 batch. The directions issued by the learned Single Judge was set aside and the writ petition was dismissed.

We respectfully follow the aforesaid judgment and allow the appeal dismissing the writ petition.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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