

Puja Kumari Daughter of Surendra Mahato Resident of Village- Laxmanpur,
P.O.- Amarpura, P.S. Mahammadpur, District- Gopalganj.

Versus

1. The State of Bihar through the Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Secretary, Bihar School Examination Board, Budh Marg, Patna-800001.
3. The Examination Controller, Bihar School Examination Board, Budh Marg, Patna- 800001.
4. The Principal, S.N. Tiwari Senior Secondary School, Mahuawan, District-Gopalganj.

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar, Advocate
For the Respondent/s	:	Mr.Ashutosh Ranjan Pandey (AAG13)
	:	Mr. S.S. Tiwary, AC to AAG 13
For BSEB	:	Mr. Ajay Bihari Sinha, Sr. Advocate
	:	Ms. Seema Ghazala, Advocate

3 04-12-2023 1. Heard learned counsel for the parties concerned.

2. The petitioner had appeared in +2 examination (Science faculty) for the Session 2016-18 and secured 19 marks in theory paper and 17 marks in practical paper in Physics subject. For the sake of improvement, she again appeared in all the subjects including Physics in the Session 2017-19 and secured 13 marks in theory paper and 27 marks in practical paper totaling 40 marks in Physics subject. In the earlier Session i.e. Session 2016-18, total marks obtained by the petitioner in Physics subject is 36 marks.



3. Learned counsel for the petitioner submits that the petitioner wants to retain 40 marks in Physics, which she secured in the improvement examination of Session 2017-19.

4. Mr. A.B. Sinha, learned Senior counsel for the Bihar School Examination Board (hereinafter referred to as “the Board”), referring to paragraphs no. 10 and 11 of the counter affidavit, submits that as per Regulation dealing with improvement examination, the provision is to consider the total marks (i.e. Theory and Practical) secured in a particular subjects in the earlier examination and to compare the same with the total marks (Theory +Practical) secured in the said subject in subsequent improvement examination and marks of whichever examination is higher, improvement result is to be published on the basis of the said examination. He further submits that if the marks secured by the candidate in the improvement examination is not higher as compared to the earlier examination or if the candidate fails in the improvement examination, the result should be published on the basis of previous examination. In the present case, the petitioner, in the subsequent improvement examination of the year 2019, has secured 26 marks in N.R.B., 19 marks in A.E., 29 marks in English and 50 marks (Theory + Practical) in Chemistry, which is lesser than marks secured in



the previous/ earlier examination. In the improvement examination, the petitioner has failed in English and Physics but still giving benefit of Regulation, the result of improvement examination has been published on the basis of marks secured by the petitioner in the previous examination for the Session 2016-18 and on that basis, the petitioner has been declared pass in 3rd Division with 224 marks.

5. In view of the submissions made by the learned Senior counsel for the Board and relying upon the Improvement Regulation, I do not find any merit in the present writ application, hence the same is dismissed.

(Anil Kumar Sinha, J)

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