

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7 of 2020

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Amit Kumar Aman Son of Sri Kameshwar Pandit Resident of Village-Badi
Yusufpur, P.S.-Hajipur Town, District-Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Education Department, Govt. of Bihar, Patna.
4. The District Education officer, Government of Bihar, Patna.
5. The District Education Officer-Cum-Controller of Examination, Establishment of District-Education, Vaishali at Hajipur.
6. The District Programme Officer (Estb), Vaishali at Hajipur.
7. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Navjot Yesu
For the State	:	Mr. Pramod Kumar Singh, AC to SC 16
For the BSEB	:	Mr. Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

JUDGMENT AND ORDER

ORAL

Date : 23-11-2023

The present writ application has been filed for quashing the reasoned order, as contained in Memo No. 106, dated 03.05.2019, passed by the Secretary, Bihar School Examination Board, Patna whereby the claim of the petitioner for re-evaluation of his answer sheet and declaring his result after assessing his OMR Sheet with respect to question booklet no. 531034,



pertaining to Bihar Secondary/Senior Secondary Teachers Evaluation Examination, 2014, has been rejected.

2. The petitioner has also sought a direction to the respondent authorities to extend grant of the consequential monetary benefits to him after declaring him pass in the examination.

3. The brief facts, giving rise to the present writ application, is that the petitioner was appointed on 30.12.2009 as Teacher in Nagar Panchayat Middle School in Mathematics subject at Mahnar Boys High School.

4. In the year 2014, the Department came out with Secondary Teacher Evaluation Examination to evaluate the ability of the teachers for monetary/promotional benefits in the form of increment in their salary.

5. The petitioner filled up the form for the said examination conducted by the Bihar School Examination Board and was issued admit card, having Roll No. 370114125, for the subject Mathematics. He appeared in the said examination on 07.02.2015 for Mathematics subject and was given question booklet no. 531034, having subject code 03, along with the OMR sheet. A copy of the OMR sheet has been annexed as Annexure 4 to the writ application obtained by the petitioner through R.T.I..



6. The petitioner downloaded the result from the internet (Annexure 7) and found that he has been declared as 'Fail', having secured 37 marks in Music subject, though he had appeared in the said examination for the Mathematics subject.

7. During the examination, when the attendance sheet (Annexure 4) was placed before the petitioner, it was found that the roll number of petitioner was interchanged with another student, namely, Manisha Kumari, who has been shown against the roll number of the petitioner, though her roll number was 370114122, and she was appearing in Music subject. The Invigilator noticing the said discrepancy corrected the roll number just beside the wrong roll number after taking due permission from the higher authorities. Thereafter, the petitioner put his signature against his name and corrected roll number in the attendance sheet.

8. The petitioner filed a representation on 16.05.2015, highlighting the fact that the petitioner appeared in Mathematics subject, but his result has been published showing him fail in Music subject, having secured 37 marks.

9. The District Education Officer, Vaishali, on the representation of the petitioner, directed the Bihar School Examination Board, on 24.06.2015, to make necessary correction on the basis of OMR sheet and evaluate the same for declaring the



correct result. The petitioner, in the aforesaid circumstances, filed CWJC No. 950 of 2018, which was disposed by this Court on 05.09.2018, with direction to the petitioner to file a representation, with further direction to the Bihar School Examination Board to dispose the representation of the petitioner by a reasoned order.

10. A reasoned order has been passed by the Secretary, Bihar School Examination Board, by which the contention of the petitioner has been rejected and pursuant thereto, fresh corrected result has been published, in which the petitioner has been found fail in Mathematics subject, having secured 37 marks.

11. Learned Counsel for the petitioner contended that marks of Manisha Kumari has been shown as the marks of the petitioner and in view of the order passed by this Court, in CWJC No. 950 of 2018, the Bihar School Examination Board was obliged to initiate fresh process of assessment with regard to the OMR sheet of the petitioner. The Secretary, Bihar School Examination Board, did not make any fresh enquiry or assessment; rather, only replaced the name of Manisha Kumari by printing the name of the petitioner in that place and even the name of the subject was not shown in the revised result, in which the petitioner was declared fail.



12. Learned Counsel for the petitioner further argued that the Bihar School Examination Board has not declared the result of the petitioner on the basis of the OMR sheet submitted during the course of examination. The OMR sheet clearly reflects that the petitioner correctly mentioned his roll number as 370114125 and question booklet no. 531034 is printed there in the OMR sheet, having subject code as 03, which is for Mathematics subject, but from perusal of result published on the website and the tabulation register (Annexure 6), except the bar code, question booklet number and roll number of the petitioner, no other details, like name and subject were matching. According to self-evaluation, the petitioner is scoring above 67 marks

13. On the other hand, learned Counsel for the Bihar School Examination Board argued that the Bihar School Examination Board was entrusted with the work to conduct the examination, but the issuance of admit cards and publication of result was not under its domain.

14. Learned Counsel further argued that the examination was properly conducted and the OMR sheets were also properly evaluated, which would be evident from the tabulation register and attendance sheet, which clearly shows that the result under roll no. 370114125 was prepared and published for the OMR sheet, having



Bar Code No. 531034, which was of the petitioner,. Thus, it is clear that corresponding to OMR bar code no. 531034, having roll no. 370114125, 37 marks were there. There is no ambiguity against roll no. 370114125.

15. The discrepancy of name of the candidates occurred, which was corrected manually in the attendance sheet and the said manual correction could not be read under the computerized system at the relevant point of time and it was only because of such fact that the name and subject of the candidate was shown different in the result, which was subsequently rectified.

16. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.

17. This Court, vide order dated 19.01.2023, directed the Bihar School Examination Board to keep ready the original record of the petitioner's OMR sheet and also the revised result of the candidate Manisha Kumari, who has been shown against the roll number of the petitioner.

18. A supplementary counter affidavit has been filed by the Bihar School Examination Board, stating that the original is not available with the Bihar School Examination Board as the same relates to the examination which was held about seven years



ago and as per the regulation of the Bihar School Examination Board, the answer books are destroyed after 3 months from the date of publication of result. In the second supplementary counter affidavit, the Bihar School Examination Board has taken the stand that the OMR sheets of candidates concerned (including the petitioner and that of Manisha Kumari) are not available as of now as the examination was conducted seven years ago. The Bihar School Examination Board has filed the revised result of the candidate Manisha Kumari by way of second supplementary counter affidavit, having roll no. 370114122, securing 59 marks. The revised result of the petitioner is at Annexure 19, having roll number 370114125, securing 37 marks.

19. The petitioner has annexed a copy of the tabulation register at Annexure 6, having Roll No. 370114125, which was allotted to the petitioner. However, in the tabulation sheet, against this roll number, the name of other candidate, Manisha Kumari, is printed. Upon close scrutiny of Annexure 6, it appears that a column having OMR Bar Code is also mentioned in the said tabulation register, which is 531034. From perusal of the OMR sheet, which was supplied to the petitioner under the RTI and has been annexed as Annexure 6 to this writ application, it transpires that bar code number in the OMR sheet of the petitioner, having



roll no. 370114125 is the same 531034, having subject code 03, which is, admittedly, for the subject Mathematics, i.e. the subject of the petitioner. Thus, it is clear that the OMR sheet, bearing Bar Code No. 531034 is of the petitioner.

20. Upon comparison of the OMR sheet, bar code number and the bar code mentioned in the tabulation register, one thing is clear that the OMR sheet having bar code no. 531034 contains 37 marks in Mathematics subject. Mathematics is not the subject of the other candidate, namely, Manisha Kumari, whose name has wrongly been typed or mentioned in the attendance sheet.

21. The Bihar School Examination Board, after thorough verification, has rectified its mistake regarding the name of other candidate, namely, Manisha Kumari, wrongly mentioned against the roll number allotted to the petitioner and has published the revised result of both, the petitioner as well as Manisha Kumari, showing their correct roll numbers and marks obtained by them. The reasoned order passed by the Secretary, Bihar School Examination Board, clarifies the position in this regard.

22. Accordingly, in my opinion, no interference is required in the impugned order by this court.

23. In the result, this application is dismissed.



24. There shall be no order as to costs.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	02-12-2023
Transmission Date	N/A

