

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19716 of 2016

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Shipra Kumari Wife of Pankaj Kumar, Resident of village Post Office -
Bathua Bujurg, Police Station - Mushrigharari, District - Samastipur Presently
posted as Nagar Shikshak, Ideal Middle School, Sheohar, District - Sheohar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Director State Council of Education
Research & Training, Bihar
2. The Director State Council of Educational Research and Training, Bihar,
Education Department, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Raju
For the Respondent/s : Smt.Shilpa Singh-Ga12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-05-2024 1. The petitioner has filed the present writ application for quashing the notification published under the signature of the Director, State Council of Educational Research & Training, Bihar (in short “SCERT”) whereby full marks of 100 was reduced to 93 in the Elementary Teacher’s Evaluation (Eligibility) Examination, 2016 for the seven wrong questions and correspondingly the pass mark was reduced from 45 to 42. The petitioner has also prayed for grant of seven marks for the seven wrong questions.

2. The brief facts of the case is that the petitioner was appointed as Nagar Panchayat Teacher on 15.04.2007 in the Ideal Middle School, Sheohar under general category. She



appeared in the Elementary Teacher's Evaluation (Eligibility) Examination, 2016 conducted by the SCERT on 19.07.2006. The test was conducted for 100 marks wherein each question was carrying one mark and out of 100; 45 was the passing mark.

3. Learned counsel for the petitioner submits that since there were seven wrong questions, a decision was taken to delete the wrong questions and evaluation was done on only 93 questions with 42 as the pass mark. This decision is arbitrary on the ground that earlier in the year 2013 the Elementary Teacher's Evaluation (Eligibility) Examination was conducted by the SCERT in which out of 100 questions, 3 questions were found wrong and the SCERT published the result after granting three marks for three wrong question to the examinees. If the same criteria is adopted as was there in the 2013 examination in respect of 2016 examination also, then the petitioner would secure the passing mark.

4. Learned counsel for the respondents argued that a uniform decision was taken to delete the wrong questions and evaluate the answer sheet only on the basis of correct questions. There is no arbitrariness and discrimination in the impugned action as it applies to all the candidates.

5. I have heard learned counsel for the parties. From the facts



it appears that for the wrong seven questions, the SCERT took a conscious decision to delete all the wrong questions and reduce the full marks of 100 to 93. Correspondingly, the pass mark was also reduced from 45 to 42. This decision was applied uniformly to all the appearing candidates in the 2016 examination.

6. The result was published on 22.11.2016 wherein out of total 93 marks the petitioner secured 40 marks and was declared fail. The criteria adopted for the 2016 examination can not be said to be arbitrary and discriminating. No vested right has been created in favour of the petitioner only because in the 2013 examination, the SCERT decided to grant three marks for three wrong questions.

7. Accordingly, the present application is devoid of any merit and the same is dismissed.

(Anil Kumar Sinha, J)

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