

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11948 of 2015

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1. Md. Intasar Hakim Badar Son of Sk. Hakimuddin, Resident of Village - Kamra Tola, Samanpur, P.S. - Balrampur, District – Katihar.
 2. Mazharul Islam son of Md. Mujibur Rahman, resident of Village-Ufrail, P.S.- Balrampur, District- Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Bihar School Examination Board, Patna through its sEcretary.
3. The Chairman, Bihar School Examination Board, Patna.
4. The Secretary, Bihar School Examination Board, Patna.
5. The Examination Controller, Bihar School Examination Board, Patna.
6. The District Education Officer, District - Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate
		Mr. Mazher Alam, Advocate
For the State	:	Mr. Sajid Salim Khan, SC-25
For the BSEB	:	Mr. Sunil Kumar Mandal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 02-01-2024 Heard learned counsels for the petitioner, State and Bihar School Examination Board (henceforth for short, ‘the Board’).

2. This writ petition is classic example of to what status ‘the Board’ has reduced itself too. There was a time when ‘the Board’ used to successfully conduct the Matriculation examination of undivided Bihar (which includes Jharkhand) without any grievance to any of the candidate sitting in extreme



South in the district of Singhbhum or to the northern district of West Champaran but now is unable to even complete a single examination without any controversy.

3. The petitioners appeared in Teacher Eligibility Test (BETET, 2013), were declared qualified twice but when after some of the aggrieved persons approached Patna High Court; pursuant to the order passed in CWJC No. 21945 of 2014, the defective questions were removed, marks to those questions were reduced to zero which resulted into their disqualification.

4. The aforesaid observation relating to 'the Board' has been made after going through the counter affidavit and the submissions put forward by the learned counsel appearing for their behalf that after the result was declared and the petitioners were found successful, certain objections were made by some candidates relating to questions, an Expert Committee constituted, they pointed out certain defective questions which followed another result in which the petitioners were declared successful. Thereafter, some more aggrieved persons approached 'the Board', another Expert Committee constituted, another decision taken whereafter fresh result declared in which again the petitioners were declared successful.

5. The third set of aggrieved persons moved before



this Court in CWJC No. 21945 of 2014 and other analogous cases in which on 06.05.2015, a Bench of this Court passed the following order:

“In view of the above, the earlier results declared by the Examination Board will be of no avail and will be treated to have been annulled. The fresh result will be declared on the basis of deleted questions. The relief to other candidates, who wanted a direction for appointment on the basis of earlier result, therefore, is refused.”

6. The contention of ‘the Board’ is that after the order of the Patna High Court, the fresh result was published in which the petitioners were found disqualified.

7. The submission of the learned counsel for ‘the Board’ is that the order dated 06.05.2015 of the learned Single Judge was challenged in LPA No. 1287 of 2015 (Md. Nafis Nawaz Khan and Anr vs. the State of Bihar and Ors) which too came to be rejected/dismissed.

8. It is the case of ‘the Board’ that similarly situate aggrieved persons like the petitioners had moved this Court in CWJC No. 7063 of 2018 which was taken up alongwith CWJC



No. 7736 of 2018 and vide an order dated 22.08.2022, a Bench of this Court taking into account the aforesaid orders chose not to interfere in the final result published by 'the Board' and accordingly dismissed the writ petition.

9. Though this Court has full sympathy for the petitioners as for without any fault, they were made to suffer and after declaring them successful twice, finally they were disqualified. However, in view of the fact that the final result has been published after an order of this Court, as stated above, the same has also been tested in LPA No. 1287 of 2015, no relief can be granted to them.

10. Accordingly, the writ petition stands dismissed.

(Rajiv Roy, J)

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