

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6376 of 2023

Garima Singh Daughter of Anil Kumar Singh, Resident of C-04, Siddharth Sadan, 5/52, Sector-2, Rajendra Nagar, Sahibabad, Ghaziabad, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The Bihar Public Service Commission through its Chairman, Government of Bihar, Patna
2. The Bihar Public Service Commission through its Secretary, Bailey Road, Patna.
3. Joint Secretary-cum-Examination Controller, Bihar Public Service Commission, Bailey Road, Patna
4. Secretary, Law Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Ms. Ritika Rani, Advocate Mr. Vardaan Mangalam, Advocate
For the State	:	Mr. Gyan Prakash Ojha (GA 7)
For the BPSC	:	Mr. Sanjay Pandey, Advocate Mr. Nishant Jha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-08-2024

The only question raised is of re-evaluation of one question, specifically answer to Q.No. 15(g).

2. Shri Dinu Kumar, learned Counsel appearing for the petitioner vigorously tried to take us through the answer to show that the answer was correctly written and was not valued correctly.

3. We rely on the judgment of this Court in CWJC No. 14828 of 2023, titled as *Ashish Ranjan vs. The State of Bihar*



& Ors. passed on 12.03.2024, wherein Paragraph-7 is extracted hereunder:-

“7. The question which arises for consideration is that whether this Court can direct for re-evaluation of the answer book of the petitioner in absence of any relevant rules for the same. The law in this regard is well settled by the Hon’ble Apex Court in a catena of decisions, more particularly in the case of ***Pramod Kumar Srivastava vs. Chairman, Bihar Public Service Commission [(2004) 6 SCC 714]***; ***Secretary, West Bengal Council of Higher Secondary Education v. Ayan Das [(2007) 8 SCC 242]***; ***Ran Vijay Singh & Ors. vs. State of Uttar Pradesh & Ors. [(2018) 2 SCC 357]*** and ***Tanya Mallick v. the Registrar General of the High Court of Delhi [Writ Petition(Civil) No. 764 of 2017]*** wherein the Hon’ble Court succinctly opined that if there is no provision entitling a candidate to have an answer sheet re-evaluated under the recruitment rules, the Court cannot direct for re-evaluation of the answer sheet of a candidate, unless there are glaring infirmities. In the afore-noted case of ***Pramod Kumar Srivastava (supra)***, the question came up for consideration as to whether the High Court was right in directing the re-evaluation of the answer sheet of a candidate in the absence of any provision and the Hon’ble Court has held at paragraph no. 7, which is as follows:

“7. We have heard the appellant (writ petitioner) in person and learned counsel for the respondents at considerable length. The main question which arises for consideration is whether the learned Single Judge was justified in directing re-evaluation of the answer-



book of the appellant in General Science paper. Under the relevant rules of the Commission, there is no provision wherein a candidate may be entitled to ask for re-evaluation of his answer-book. There is a provision for scrutiny only wherein the answer-books are seen for the purpose of checking whether all the answers given by a candidate have been examined and whether there has been any mistake in the totalling of marks of each question and noting them correctly on the first cover page of the answer-book. There is no dispute that after scrutiny no mistake was found in the marks awarded to the appellant in the General Science paper. In the absence of any provision for re-evaluation of answer-books in the relevant rules, no candidate in an examination has got any right whatsoever to claim or ask for re-evaluation of his marks. This question was examined in considerable detail in Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth [(1984) 4 SCC 27 : AIR 1984 SC 1543] . In this case, the relevant rules provided for verification (scrutiny of marks) on an application made to that effect by a candidate. Some of the students filed writ petitions praying that they may be allowed to inspect the answer-books and the Board be directed to conduct re-evaluation of such of the answer-books as the petitioners may demand after inspection. The High Court held that the rule providing for verification of marks gave an implied power to the examinees to demand a disclosure and inspection and also to seek re-evaluation of the answer-books. The judgment of the High Court was



set aside and it was held that in absence of a specific provision conferring a right upon an examinee to have his answer-books re-evaluated, no such direction can be issued. There is no dispute that under the relevant rule of the Commission there is no provision entitling a candidate to have his answer-books re-evaluated. In such a situation, the prayer made by the appellant in the writ petition was wholly untenable and the learned Single Judge had clearly erred in having the answer-book of the appellant re-evaluated.”

4. In the present scheme of the examination, there is no scope for re-evaluation. It does not lie in the mouth of this Court to find an answer to be correct, as against the evaluation conducted, especially when there is no scheme for re-evaluation. We, hence, refused to look into the answer given by the petitioner.

5. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	29.08.2024
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