

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8272 of 2016

1. Anil Kumar Rout son of Ram Lakhan Rout, Resident of Village- Balia, P.S.- Simri, District- Darbhanga.
2. Babita Kumari Daughter of Rameshwar Mahto, Resident of Village- Bhagmatpur, P.S.- Sarai Ranjan, District- Samastipur.
3. Sunil Kumar son of Ramdev Prasad, Resident of village- Sipara, P.S.- Hilsa, District- Nalanda.
4. Jayant Kumar son of Upendra Prasad Roy, Resident of Mohalla- Magardabi, Ward No, 29, District- Samastipur.
5. Sandhya Kumari Daughter of Shiv Pujan Rai, Resident of Village- Deheri -on-Sone, Dalmiya Nagar P.S.- Dalmiya Nagar, District- Rohtas.
6. Antesh Kumar son of Sri Hari Prasad Yadav, Resident of village- Pakilpar, P.S.- Murliganj, District- Madhepura.
7. Binod Choudhary, son of Sita Saran Choudhary, Resident of Village- Gopalganj, Post- Kadirganj, District- Nawada.
8. Awadhesh Kumar Son of sShiv Chand Roy, resident of village- Maliniya, P.S.- Majorganj, District- Sitamarhi.
9. Sunil Kumar Sah son of Radhe Shyam Sah, Resident of village- Silhan District-Bhagalpur.
10. Dharmendra Kumar son of Saryug Choudhary, resident of village- Karhara, P.S.- Ghoshi, District- Jahanabad.
11. Sambhu Kumar son of Late Thakur Prasad Yadav, resident of village- Rajni Jamuan, P.s.- Murliganj District- Madhepura.
12. Kumar Uday Shankar, son of Nand Kishore Prasad Yadav, resident of village- Pakilpar, P.S.- Murliganj, District- Madhepura.
13. Ajay Kumar son of late Jai Narayan Prasad Yadav resident of village- Pakilpur, P.S.- Murliganj, District- Madhepura.
14. Jyoti Kumari daughter of Surendra Prasad Yadav, resident of village- Pakilpur, P.S.- Murliganj, District- Madhepura.
15. Kanchan Kumari Daughter of Balram Yadav, resident of village- Pakilpar, P.S.- Murliganj, District- Madhepura.
16. Shiv Satya Kumar son of Ramashish Das. Resident of Village- Mushari, P.S.- Salimpur, District- Patna.
17. Ravi Shankar Kumar Sharma son of Sakaldeo Sharma, resident of village- Basaha, P.S. Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Secretariate, Patna
2. The Director, Primary, Education Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.



4. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajendra Kumar Jain, Advocate
: Mr. Ajay Kumar Jain
For the Respondent/s : Mr.Abbas Haider- SC16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 02-05-2024

1. Heard learned counsel for the parties concerned.
2. In this writ application, 17 petitioners have approached this Court for a direction to the respondents to issue marks and publish the result of B.E.T.E.T. (Bihar Elementary Teacher Eligibility Test/ B.S.I.T.E.T. (Bihar Secondary/ Senior Secondary Teacher Eligibility Test)-2011, conducted by Bihar School Examination Board, Patna (hereinafter referred to as “the Board”) on 20.12.2011 and 17.02.2012.
3. The case of the petitioners is that they have participated in the B.E.T.E.T./ B.S.I.T.E.T. test, 2011 but their results have not been published for the reasons mentioned as :-

(i) R1-blank/ invalid booklet number

(ii)R2- blank/invalid subject and/ or
language



(iii) ABS- absent in paper

(iv) NQ- not qualified

4. Learned counsel for the petitioners submits that the reasons mentioned in the on-line result are not clear and further, the Board, vide notification no. 08/2016, gave chance to the candidates to appear in the special test, whose marks were not published in the result due to the reason “Master Without OMR/ Attendance or Absent in Paper”. The candidates were directed to submit the photocopy of Admit Card and the result published on the website till 17.03.2016 for appearance in the special test going to held on 09.04.2016 and 10.04.2016.

Learned counsel further submits that the petitioners submitted the required documents in the Office of B.S.E.B., Patna within time but no Admit Card was issued to the petitioners. It is next submitted that if the petitioners have appeared in the test, it is the duty of the Board to publish the result but due to missing of O.M.R. sheets from the Board, the petitioners are being made to suffer.

5. On the other, learned counsel for the Board submits that result of B.E.T.E.T./ B.S.I.T.E.T. test, 2011 of the petitioners were declared with remarks as R1 or blank/ invalid



subject and/ or language or ABS. The special test was conducted by the Board in the year, 2016 for only such candidates, whose OMR sheets were lost or became traceless. In such circumstances, their result has been declared with remark- Master Without OMR/ attendance, which falls under P5 category.

Learned counsel further submits that the OMR sheets of the petitioners were not lost rather their results were published showing remarks either as NQ- not qualified or R1-blank/ invalid booklet number or R2- blank/invalid subject and/ or language or ABS- absent in paper. However, special test was conducted in compliance of the order dated 07.03.2014, passed by this Court in C.W.J.C. no. 20164 of 2012 to give a chance to those students, whose OMR answer sheets were misplaced/ lost.

6. I have heard learned counsel for the parties and have gone through the materials on record. List of abbreviation has been attached by the respondent- B.S.E.B. in its counter affidavit. From perusal of the same, it appears that NQ stands for not qualified, R1 stands for blank/ invalid booklet number, R2 stands for blank/ invalid subject and/ or language, ABS stands for absent in paper and P5 stands for



Master Without OMR/ Attendance. The result was published by the B.S.E.B. having the aforesaid remarks except P5 in the result sheet. Therefore, the contention of the petitioners that a direction be issued to the B.S.E.B. for publication of result is without any basis and is based upon the facts, which do not exist.

7. In the result, I do not find any merit in this writ application, as such, the same is dismissed.

(Anil Kumar Sinha, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2024
Transmission Date	NA

