

Civil Writ Jurisdiction Case No.3557 of 2017

- Petitioner/s

1. The State Of Bihar through the Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, State Council of Educational Research and Training, Mahendru, Patna- 800006 Bihar.
4. The Director, Primary Education, Department of Education, Government of Bihar, Patna.

... .. Respondent/s

For the Petitioner/s : Mr.Durgesh Kumar, Advocate
For the Respondent/s : Mr.S.C. Mishra- SC 16
: Mr. Pramod Kr. Singh, AC to SC 16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER



minimum qualifying marks fixed for Elementary Teacher Evaluation Examination, 2016 from 41 to 35 for general category and from 36 to 30 for reserved category.

3. Learned counsel for the petitioners submits that the petitioners appeared in Elementary Teacher Evaluation Examination, 2016 but there were certain wrong questions and after deleting the wrong questions, qualifying marks should have been fixed to 35 and 36 for general and reserved category, respectively.

4. Learned counsel for the State submits that petitioners are Urdu Teachers and they appeared in Elementary Teacher Evaluation Examination, 2016 but they failed to obtain the minimum qualifying marks, as such, they have been declared fail. Petitioner no. 1 failed to qualify by 04 marks, petitioners no. 2, 3 and 5 by 02 marks, petitioner no. 4 who belongs to reserved category failed to qualify by 06 marks, petitioner no. 6 by 01 mark and petitioner no. 7 by 06 marks.

Learned counsel further submits that the entire teachers are divided into three groups i.e. (I) General Teacher (II) Physical Teacher and (III) Urdu Teacher. The evaluation test consists of 100 questions each carrying one marks having a total of 100 marks. In the evaluation test of Urdu Teacher, out of 100



questions, 10 questions were found wrong and it was decided to delete the wrong questions and evaluate the answer sheet with the reduced number of correct questions, as such, 10 questions which were found defective by the expert committee were deleted and evaluation was made on only 90 questions, which were correct and qualifying percentage which was fixed 45% for General Category and 40% for reserved category were reduced on the basis of correct questions only. For General category, qualifying marks were reduced from 45 to 41 and for reserved category, it was reduced from 40 to 36 but petitioners have failed to obtain minimum qualifying marks fixed by the examination body.

Learned counsel next submits that after examination, several objections were raised by different candidates regarding wrong questions. Then a committee of experts were constituted to review the questions and submitted report regarding the wrong questions. 07 questions were found wrong in the question paper of General Teacher, 05 questions were found wrong in the category of Physical Teacher and 10 questions were found wrong in Urdu Teacher and uniform decision was taken to delete the wrong questions and evaluate the answer sheet only on the basis of correct questions. The



qualifying marks were correspondingly reduced and whoever has achieved minimum qualifying percentage has been declared qualified, however the petitioners have not achieved the qualifying marks, reduced by the examination body.

5. I have heard learned counsel for the parties and gone through the materials available on record. It appears that wrong questions were deleted and evaluation was done by the examination body after deleting the wrong questions and on the basis of correct questions only by reducing the full marks. A uniform decision for evaluation was taken after deleting the wrong questions by the examination body. Correspondingly, the qualifying marks were also reduced.

Accordingly, in my opinion, there was nothing wrong in the procedure adopted by the respondents for evaluation of marks after deleting the wrong questions of all candidates. As such, the present writ application, being devoid of any merit, is rejected.

(Anil Kumar Sinha, J)

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