IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15763 of 2023

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Bimlesh Kumar Singh S/o Shambhu Narayan Singh, resident of village - Parari, Post - Jaideopatti, P.S. - Ghanshayampur, District - Darbhanga.

... ... Petitioner

Versus

1. The State of Bihar through its Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Chairman, Bihar School Examination Board, Patna.
4. The Secretary, Bihar School Examination Board, Patna.
5. The Examination Controller (Miscellaneous), Bihar School Examination Board, Patna.

... ... Respondents

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Appearance :

For the Petitioner	:	Mr. Shashi Bhushan Singh, Advocate
For the State	:	Mr. Madanjeet Kumar, GP-20
For the Respondents	:	Mr. Rishi Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT
Date : 15-07-2024

1. Heard Mr. Shashi Bhushan Singh, learned counsel for the petitioner and Mr. Rishi Sinha, learned counsel for the respondents.

2. The grievance of the petitioner in the instant writ petition is the non-selection of the petitioner in the State Teachers' Eligibility Test, 2023 (hereinafter referred to as 'STET, 2023') conducted in pursuance of advertisement dated 31.07.2023 issued by the respondent No.5 on the ground that the petitioner secured 74.61 marks in the Hindi subject, whereas the qualifying marks for selection was 75.

3. The learned counsel for the petitioner contends that the petitioner should have been awarded more than 75 marks by the Bihar School Examination Board / Respondent Nos.3 to 5. In support of his contention, the learned counsel for the petitioner has put forth threefold arguments.

4. Firstly, learned counsel for the petitioner contends that the petitioner, who appeared for STET, 2023 in Hindi subject, belongs to economically weaker section. That the economically weaker section candidates should have been given grace / additional marks. Though such a contention has been raised that the grace marks to the economically weaker section candidates in the STET, 2023 should have been given by the respondents / Board, learned counsel for the petitioner has not been able to point out either from the advertisement dated 31.07.2023 or from any Act, Rules or notification by the Government, which provides that in STET, 2023 the economically weaker section candidates shall be awarded grace / additional marks. In the absence of the learned counsel being able to point out any relevant rules to that effect which provides that economically weaker section candidates in the STET, 2023 grace / additional marks shall be given, no such direction can be given to the respondents / Board for awarding

the petitioner grace / additional marks to the petitioner in the STET, 2023.

5. The first contention of the learned counsel for the petitioner, therefore, fails.

6. The second contention raised by the learned counsel for the petitioner for awarding more than 75 marks to the petitioner by the Board is that in the Hindi subject 'normalization', as is provided to be done in the advertisement, was not required to be done. He contends that had the 'normalization' been not done in the Hindi subject in the STET, 2023 the petitioner could have secured more than 75 marks. Learned counsel for the petitioner, however, has not been able to demonstrate before this Court as to how the petitioner could have scored more than 75 marks had the normalization been not adopted by the Board in the Hindi subject.

7. In that view of the matter, the second contention of the petitioner also fails.

8. The third and the final contention raised by the learned counsel for the petitioner that the petitioner should have been awarded more than 75 marks is by way of filing an interlocutory application being I.A. No. 1 of 2023, wherein in paragraph 4 it is contended that model answer key chosen by

the Board for the Question Nos.64, 95, 118 and 121 of the Hindi subject in the STET, 2023 was wrong, whereas the petitioner had given the correct answer to those questions. The learned counsel for the petitioner, therefore, has submitted that had the petitioner's answer been evaluated not on the basis of the model answer key finalized by the Board, but on the basis of the correct answer from the options given, the petitioner could have scored four additional marks bringing it to the total score of 78 by the petitioner.

9. The respondent Nos.3 to 5 / Board have filed a counter affidavit, wherein, in paragraph Nos.17 to 19 it has been stated as hereunder :

> "17. That it is also relevant to mention here that Petitioner has further pointed out that answers of 04 questions viz Q. No. 64, 95, 118 and 121 are wrong in the Model Answer Key.
>
> 18. That, in this context, it is humbly stated that the Questions and Model Answer Sheets of STET-2023 were prepared by SCERT, Mahendru and the Model Answer Key was uploaded on the official Website of the Board inviting objections from the candidates vide Notification no. PR-326/2023 dated 19.09.2023 contained in Memo no. 600/2023.
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> 19. That, thereafter, based upon the objections so received, SCERT, Mahendru had published a

> modified Model Answer Key prepared by the Subject Experts and, accordingly, based upon the modified answer key, the final result of the said examination was processed and published."

10. From perusal of the counter affidavit filed by the respondent Nos.3 to 5 / Board, the relevant paragraphs of which have been extracted hereinabove indicates that questions and model answer sheets of STET, 2023 were prepared by the SCERT, Mahendru and the Model Answer Key was uploaded on the official Website of the Board inviting objections from the candidates vide Notification No. PR-326/2023 dated 19.09.2023 contained in Memo No. 600/2023. Thereafter, based upon the objections received, SCERT, Mahendru had published a modified Model Answer Key prepared by the Subject Experts, on the basis of which the final result was declared. The evaluation of each of the candidates who had appeared in STET, 2023 in different subjects appears to have been made on the basis of the final modified Model Answer Key prepared by the subject experts after the objections as called for by the Notification dated 19.09.2023 was received by the respondent Nos.3 to 5 / Board. There is no material placed before this Court that the petitioner filed any objection regarding the inaccuracy of the answer key prepared for the Question Nos.64,

95, 118 and 121, pursuant to objections invited vide notification dated 19.09.2023.

11. Under the above circumstances, the third contention raised by the learned counsel for the petitioner also fails.

12. Resultantly, I find no merit in the writ petition and the same stands dismissed.

(Nani Tagia, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15.07.2024
Transmission Date	N.A.