

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1424 of 2018

In

Civil Writ Jurisdiction Case No.8387 of 2018

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Bhavya Kumari daughter of Sri Ram Prakash Singh, through her natural Guardian/father namely Ram Prakash Singh, so Resident of Village- Sahjanand Nagar, Sita Sharan, Begusarai, P.S.- Muffasil, District- Begusarai.

... .. Appellant/s

Versus

1. The State Of Bihar and Ors
2. Principal Secretary Cum Secretary to Government, Human Resources Development Department, Govt. of
3. The Chairman, Bihar School Examination Board, Patna.
4. The Secretary, Bihar School Examination Board, Patna.
5. Director, Bihar School Examination Board, Patna.
6. Examination Controller, Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Satyabir Bharti, Advocate Mr. Kanupriya, Advocate Mr. Abhishek Anand, Advocate Mr. Ratan Kumar, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey, AAG-15 Mr. Prabhat Kumar Singh, AC to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-08-2024

The petitioner is before this Court in appeal from a judgment of a learned Single Judge which granted one



mark to the petitioner on the ground that there was no marks assigned to an answer. The writ petitioner had also, by the award of that one such mark, become the joint topper in the 10th standard examinations conducted by the Bihar School Examination Board. The learned Single Judge had also found negligence on the part of the Board and awarded Rs.5 lakhs as costs to the School which put forth the writ petitioner for the Examination. As of now, the student has completed her studies in I.I.T., Roorkee and is a qualified engineer.

2. The only remaining question argued by the learned Counsel was as to whether there should be marks awarded to the various parts of Question No.12 which had 3 parts.

3. The contention, which was allowed by the learned Single Judge was with respect to the 1st question which had 4 parts. There were marks assigned for the answers to the 1st, 2nd and 4th part of the question separately. There was no mark given to the 3rd part which was numbered as Question No.(1)(ग). One mark was awarded, as noticed herein above, and the petitioner has become the joint topper in the said examination.

4. As far as Question No.12 is concerned, it has



three parts, and all the said parts have been written in the same page of the answer sheet, i.e. page number 14. The learned Counsel would argue that the system of marking adopted by the examiner in Question No. 1 would indicate that separate marks were awarded to each part and this should have been followed also in answers to Question No.12(i), (ii) and (iii). We see from the answers to Question No.1 that they were spread over two sheets and the marks were awarded separately for each of the said answers, in the column which comes within the answer itself. As far as Question No. 12 is concerned, all the three parts were answered in one sheet and 3 marks have been awarded at the middle portion of part (ii) and (iii) of Question No.12. A similar pattern was adopted in the answers to question parts (i) and (ii) of Question No.17; which had one mark each and part (iii) had 3 marks. The 3 marks awarded, hence, has to be found to be for all the three parts.

5. As pointed out by the learned counsel for the Board, in question No.17 also, the same system was adopted, since the three parts of question No.17 was answered in one sheet itself. In the above circumstances, we do not find any reason to further grant marks to the petitioner especially in an



examination which was conducted far back in the year 2017.

The appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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CAV DATE	
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