

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1036 of 2024

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Sima Kumari D/o Rajesh Prasad, Resident of Village- Pachay, P.O- Khukhri,
P.S.- Mahakar, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Chairman, Bihar School Examination Board, Bihar, Patna.
5. That Secretary, Bihar School Examination Board, Bihar, Patna.
6. The Principal, Jajba Teachers Training College, Khizersarai, Gaya.
7. The District Education Officer, Munger.
8. The Headmaster, Middle School, SC Tola, Gaura, Haveli Kharagpur,
Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rama Kant Singh, Adv.
For the State	:	Mr. Raghwanand, GA 11
		Mr. Sanjay Kr. Tiwari, AC to GA 11
For the BSEB	:	Mr. Ajay, Sr. Adv.
For the Res. No. 6	:	Mr. Arun Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-11-2025

Heard learned Advocate for the respective parties.

2. After all, to err is human and when an inadvertent omission is brought to the attention of the Court, it becomes the solemn duty to ensure that a person should not suffer on account of such mistake, in such circumstances, the Court is obliged to restore the person to the very position he would have occupied



had the error not occurred. In the opinion of this Court, this principle applied to all including the State and its functionaries.

3. In the case at hand, the petitioner, in pursuant to Advertisement No.26/2023 issued by the Education Department, Government of Bihar, had applied for appointment to the post of School Teacher in Primary School (Class 1-5). The advertisement clearly stipulates that those candidates who are appearing in training course may also apply for the afore-noted post and thus the petitioner being an appearing candidate of Diploma in Elementary Education (for short 'D.El.Ed') had applied for the said post.

4. The petitioner belongs to a Backward Class Category candidate, upon receipt of the admit card, dully appeared in the examination and finally declared successful in the School Teachers Recruitment Exam, conducted by the BPSC, but unfortunately in the result of D.El.Ed examination her practical marks was not given in any subject due to which she could not be qualified for the exam; in the meanwhile, the District Education Officer, Munger issued counselling-cum-orientation letter to the petitioner. Pursuant to which, the petitioner participated in the counselling; thereafter, the provisional appointment letter (Annexure-P/10) was issued. She



had further been sent to the District Education and Training Institute (DIET) Banka and after successfully completing the training, she was allotted school, namely, Middle School, SC Tola Gaura vide Annexure-P/12. However, when the petitioner went to submit her joining, the Head Master of the said school refused to accept her joining. The petitioner approached before all the concerned, including the District Education Officer, Munger narrated all the facts that on account of a mistake committed by the Teachers Training College, she has been shown to be absent in all the practical examination of D.El.Ed. For rectification of the same, she filed an application, which was duly acknowledged by the College and referred to the Bihar School Examination Board (for brevity 'the Board'). However, the request of the petitioner has not been acceded.

5. In the aforesaid premise, the petitioner has approached this Court by invoking its extraordinary prerogative writ jurisdiction under Article 226 of the Constitution of India, seeking two fold prayers viz., directing the respondent authorities of the Board to issue mark-sheet and certificate of the D.El.Ed for the session 2021-23 of 2nd year, which she had appeared through Jajba Teachers Training College, Khizersarai, Gaya and further to direct the respondent-State authorities,



including the District Education Officer, Munger as well as the Head Master, Middle School, SC Tola Gaura, Munger to accept her joining.

6. A counter affidavit has been filed on behalf of the respondent-Board.

7. Mr. Ajay, learned Senior Advocate for the Board referring to the averments made in the counter affidavit and the materials available on record has submitted that the petitioner being an appearing candidate under D.El.Ed for the session 2021-2023 had appeared in the School Teachers Recruitment Examination duly conducted by the BPSC. On being found successful, her result has been published; however, her joining to the post of Teacher could not be accepted as she has been declared fail in D.El.Ed. From the relevant records available at the Board, it appears that the petitioner being a candidate of D.El.Ed from Jajba Teachers Training College, Khizarsarai, Gaya had given her 2nd year examination in 2023 under Roll Code 81804, Roll No.211023, but she did not appear in the internal subject examination of subjects S-1 to S-9, Sep 02 (Ext.) and Sep 02 (Int.). After publication of the result, the Principal of the Jajba Teachers Training College vide its letter no.105 dated 20.10.2023 informed the Board that the petitioner



had appeared in the practical examination of all her subject papers. However, the marks obtained by the petitioner could not be mentioned in the relevant Standard Marks Foil at the relevant point of time, therefore, requested to correct the same. It has further been clarified that the theoretical examination had been conducted by the Board and the practical examination/internal evaluation of the subjects were to be conducted at the level of the college/institution concerned itself; based upon which the Board published the result of the candidates concerned.

8. Notwithstanding the aforesaid fact, when the Board has received a letter from the Teachers Training College for necessary correction in the mark-sheet and the result, the Board directed to constitute a Five Members Committee in order to examine the veracity of the claim as has been raised by the different colleges/institutions seeking amendment/rectification in the result in relation to certain candidates. The claim of the petitioner was also considered by the Five Members Committee, which concluded that in the Pre-printed OMR-based Standard Marks Foil, as sent by the petitioner's college/institute concerned, the column marked in the Standard Marks Foil for Roll No.211023 had been left to be blanked in all her subjects and even marks of application of eraser has also been found therein. The Committee, accordingly, submitted its



report on 18.12.2023, which is placed on record as Annexure-R/B series to the counter affidavit filed on behalf of respondents no.4 and 5. The Board having accepted the report of the Committee has turned down the request of the petitioner and the Teachers Training College for correction in the D.El.Ed certificate and informed to all the concerned vide letter dated 27.12.2023, and also recommended to take action against the erring Heads/Principals of the colleges/institutes concerned.

9. The decision of the Five Men Committee constituted by the Board as well as its consequential letter dated 27.12.2023, rejecting the claim for correction in the certificate of D.El.Ed were challenged before this Court by filing I.A. No.1 of 2025. This Court in order to verify the genuineness of the claim of the petitioner and the Teachers Training College, has directed the Teachers Training College to ensure filing of a counter affidavit and to produce marks register of the candidate(s) of D.El.Ed of Jajba Teachers Training College.

10. Mr. Arun Kumar, learned Advocate for respondent no.6 submitted that the writ-petitioner was all along present in the internal examination as conducted by the College but due to inadvertence, she was shown absent in all the examinations at the level of the college, but once the mistake was brought to the notice



of the college, the college immediately vide letter dated 20th of October, 2023 (Annexpre-P/5 to the writ petition) informed the examination controller of the Board that marks of all the subjects of practical of the petitioner could not be entered in the Standard Marks Foil. The respondent-Board vide letter dated 10th of November, 2023 directed to produce the marks registered and its certified copy so that the same may be appropriately considered. In compliance of the aforesaid directives, the college, in question, produced the original marks register as well as certified copy of the marks in order to demonstrate that the original marks register clearly mentioned that the writ-petitioner was present on the scheduled date of internal examination and marks were allotted.

11. Despite the aforesaid facts, subsequently a Five Members Committee was constituted by the Board to examine the veracity of the claims raised by certain students/colleges seeking amendment/rectification in their respective result and they have come out with a conclusion to the extent it relates to the petitioner that, there is application of eraser, besides the column mark in the Standard Marks Foil had been left blank in all her subjects, which does not appear to be a human error; and subsequently after publication of the result, for some ulterior reason, request has been made for extending the marks by misguiding the Board. The Act of



the Teachers Training College is found be fraudulent. It is further contended with all vehemence that the finding with regard to the use of eraser in the Marks Foil or any malpractice adopted by the college is wholly absurd and *non est* in the eyes of law as well as contrary to the record. All the more, at no point of time, the petitioner's Teachers Training College was asked to participate in the enquiry conducted by the Committee; hence, the adverse order causing prejudice to the conduct/reputation of the college is wholly illegal and unsustainable.

12. This Court has anxiously heard the learned Advocate for the respective parties and in order to give quietus to the litigation, called for the original D.El.Ed marks register.

13. After having careful perusal of the D.El.Ed marks register, this Court finds that the register contains the marks statement of internal/practical marks of the candidates of D.El.Ed from the session 2016 onward up to 1st year 2024-2026. The writ-petitioner bearing Roll No.21103, session 2021-2023 had all along been present in all the internal/practical examination of subjects S-1 to S-9, Sep 02 (Ext.) and Sep 02 (Int.) conducted at the level of the college. Just below the name of petitioner, Sima Kumari, one another candidate, namely, Smita Kumari D/o Bhupendra Yadav, who had been pursuing D.El.Ed course for the session 2021-2023,



was all along shown to be absent in the marks register submitted before this Court; hence, in the opinion of this Court, there is every chances, that mistake could have been inadvertently occurred while filling up the Standard Marks Foil, which was sent to the Board for preparation and publication of the final result.

14. The genuineness of the claim is also strengthened from the perusal of the attendance-sheet of the internal examination 2023 for D.El.Ed, which clearly shows that the petitioner was present in the internal examination as conducted by the Teachers Training College. Some of the candidates, namely, Shabnam Khatoon, Nasreen Perween and Amit Kumar have been shown to be absent in the attendance register and similar is the position in the original marks register of 2nd year (2023). Furthermore, no sooner the petitioner came to know about her result of D.El.Ed, she immediately rushed to the authorities of the Teachers Training College, who upon verification from the record, accepted the inadvertent mistake on the part of the college and immediately wrote a letter to the examination controller of the Board on 20.10.2023 itself (Annexure-P/5 to the writ petition). The aforesaid letter has been received and duly acknowledged by the office of the Board on 20.10.2023 itself. On being asked by the respondent-Board, the Teachers Training College produced the marks register along with other necessary documents,



which were duly received by the Board on 17.11.2023. The Board, however, in order to verify the claim of various students of the different institutes, placed the matter before the Five Men Committee and came to the finding of application of eraser and manipulation at the level of the college, in question, with respect to the case of the petitioner. However, there is no whisper as to why the Committee has not accepted the certified copy of the marks register duly furnished by the respondent-college. There is no whisper or any finding in this regard.

15. Only because of the fact that the petitioner has been shown all along absent in the internal examination, it is said to be not a human error, it does not stand to the reason of this Court. The Committee, in no circumstances, ignored the original marks statement contained in the original register, unless there is overwriting or manipulation found therein; however, there is none, which fortifies the finding of the Committee, based upon which the claim of the petitioner has been turned down. There is neither any allegation that the petitioner, in collusion with the Teachers Training College, manipulated the marks statement nor there is any such finding recorded in course of verification done by the Five Men Committee. For the inadvertent mistake of the Teachers Training College, career of the petitioner cannot be put to jeopardy.



16. In view of the afore-noted facts, this Court finds substance in the claim of the petitioner and accordingly directs the respondent-Board to make necessary correction in the mark-sheet and certificate of the D.El.Ed of the petitioner as per the original marks register of the concerned Teachers Training College, preferably within a period four weeks from the date of receipt/production of a copy of this order and hand over the same to the petitioner, who shall furnish it to the concerned District Education Officer, Munger with the order of this Court.

17. On receipt thereof, the District Education Officer, Munger shall direct the Head Master of the concerned school to accept the joining of the petitioner based upon the final result published in terms of Advertisement No.26/2023 and the consequential provisional appointment letter within a further period of four weeks.

18. The office is directed to return the original marks statement register to the Advocate for the respondent college.

19. With the aforesaid order and direction, the writ petition stands allowed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26-11-2025
Transmission Date	

