

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5221 of 2024

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Md. Firdos Gani Son of Late Md. Manjur Alam resident of Village-
Khochpara, P.O.-Narainpur, Purvi Narayanpur, P.S. Raj Mahal, Dist.
Sahebganj (Jharkkhand).

... .. Petitioner/s

Versus

1. Bihar School Examination Board Sinha Library Road, Patna through its Secretary.
2. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna.
3. Principal, Muslim Minority Inter College, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh
For Respondent Nos. 1 & 2: Mr. Mithilesh Kumar Ravi

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 10-07-2025 1. The petitioner passed the Intermediate Examination, conducted by the Bihar School Examination Board, for the sessions 2012-14. The result of the Intermediate Examination, 2014, was declared on 27.05.2014, in which the petitioner was declared successful in the second division, securing 226 marks. A mark sheet, bearing no. S388868 and a provisional certificate were issued to the petitioner on the same date.
2. The petitioner filed the present writ application for a direction to the respondent authorities to treat the petitioner as pass in the Intermediate Examination, held in the year 2014 inasmuch as when the petitioner, in the



year 2023, demanded his original certificate for the purpose of producing the same before his employer, he was communicated by the Bihar School Examination Board that he has failed in the Intermediate Examination, 2014.

3. The brief fact, giving rise to the present writ application, is that the petitioner was enrolled with the Bihar School Examination Board for the academic session 2012–2014 in the Intermediate of Science, having Enrollment No. 7107-R-0947/12. After completing the academic session, the petitioner appeared in the Intermediate Examination, 2014. The petitioner was issued admit card, having Roll No. 10219 and Roll Code 7107, pursuant to which he appeared in the said examination.
4. The result of the Intermediate Examination, 2014, was published on 27.05.2014, in which the petitioner was declared successful in 2nd Division, securing 226 marks. A provisional certificate as well as mark sheet were issued in favour of the petitioner.
5. In the year 2023, the petitioner was appointed as a Clerk on compassionate ground after the death of his father, who was a government employee. For the purpose of his employment, the petitioner was required to submit his original educational certificates. The petitioner approached the Principal of Muslim



Minority Inter College (respondent no. 3) for collection of his original certificate of Intermediate Examination, 2014, where the petitioner was informed that a revised mark sheet, bearing No. S937549, dated 27.05.2014, had been issued, showing the petitioner as fail in the Intermediate Examination, 2014, with 14 marks in Physics theory paper instead of 24 marks given earlier.

6. Aggrieved by the unexplained deduction of marks and declaring the petitioner as fail, the petitioner filed an application on 25.03.2023 before the Secretary, Bihar School Examination Board, along with an affidavit and a prescribed fee of ₹800, seeking re-verification and calculation of marks in the Physics theory paper, however, no decision has been taken till date by the Bihar School Examination Board on the said application.
7. Learned Counsel for the petitioner argued that after declaration of the result of Intermediate Examination, 2014, on 27.05.2014, the petitioner was given mark sheet, bearing no. S388868 and a provisional certificate on the same date declaring him pass in second division, having 226 marks. When the petitioner approached the concerned College (respondent no. 3) for collecting his original certificate of Intermediate Examination, 2014, which was demanded by his employer in the year 2023, the petitioner was told that a



revised mark sheet, bearing no. S937549, dated 27.05.2014, had been issued by the Bihar School Examination Board, showing him as fail in the Intermediate Examination, 2014, with 14 marks in Physics theory paper instead of 24 marks.

8. The petitioner was stunned to know this new fact after lapse of nine years that a revised mark sheet was issued on the same date, i.e. on 27.05.2014, having mark sheet no. S937549, declaring him fail. No communication was made by the College and/or Bihar School Examination Board to the petitioner that he was declared fail on the very same date, pursuant to which a revised mark sheet was issued by the Bihar School Examination Board and it does not stand to reason that on the same very date, one mark sheet declaring him as pass and the another revised mark sheet declaring him as fail would be possible.
9. The College and/or the Bihar School Examination Board never informed the petitioner regarding the revision of the result or scrutiny of the answer book and the occasion which led to the revision/scrutiny of the result/answer book of the petitioner on the same date.
10. It is not the case of the respondents that the scrutiny of the answer book of the petitioner was done on the request of the petitioner. The petitioner never made any application or request before the College or the Bihar School Examination



Board for verification/scrutiny of his result/answer book and issuance of two mark sheets, one as pass and other as fail, on the same date shows the arbitrariness on the part of the Bihar School Examination Board.

11. It is also not the case of the Bihar School Examination Board that the first mark sheet, bearing no. S688868, declaring him pass is fake and forged document. On the same date, i.e. on 27.05.2014, another mark sheet, bearing no. S937549 was issued, which is having a difference of 548681 in serial. It is not possible to verify/scrutinize the results/answer books of a large number of candidates on the date of publication of result. The petitioner was never communicated regarding his revised result of fail in the year 2014 either by the College or by the Board.
12. Learned Counsel further submits that arbitrary issuance of revised mark sheet and reduction of marks without any explanation/justification is violative of principle of natural justice inasmuch as everything has been done behind the back of the petitioner. The arbitrary action of the Bihar School Examination Board has caused grave hardship to the petitioner as he is urgently required to submit his original educational certificate to his appointing authority in connection with a government job provided to him on compassionate ground following the death of his father.



13. It is next submitted that once a mark sheet and provisional certificate declaring him pass were issued, the Bihar School Examination Board could not, on his own motion, can issue contradictory mark sheet and that too without any information. This unexplained revision of mark sheet has not only caused prejudice but also put the employment of the petitioner in jeopardy.
14. Learned Counsel for the Bihar School Examination Board argued that the reduction in the marks of the petitioner had occasioned on account of scrutiny and as per the settled norms, after scrutiny, the marks can increase or decrease, depending upon the result of the scrutiny. The result of the petitioner was verified with the records of Group Tabulation Register, Reserve Tabulation Register and Data Management System and as per correct factual status, the petitioner was declared fail, securing 216 marks in total and 14 marks in Physics theory paper instead of 24 marks.
15. I have heard learned Counsel for the parties concerned and perused the materials on record, including the mark sheet issued to the petitioner on 27.05.2014 declaring him pass.
16. It is not in dispute that the petitioner was originally declared successful in the Intermediate Examination, 2014, with 226 marks and was issued a valid mark sheet and provisional certificate on the date of declaration of result, dated



27.05.2014, declaring him pass.

17. The regulation, governing the process of scrutiny, is contained in Clause 20 of Chapter V of the Bihar School Examination Board Regulations, 1964. Clause 20 of Chapter V of the Bihar School Examination Board Regulations, 1964 provides that

(a) Candidates, who desire to get their answer books scrutinized, may apply for the same within one month of the date of publication of the Board's result. The application must be accompanied by the prescribed fee and forwarded through the Head of the Institution with a certificate that there is strong and sufficient ground for scrutiny;

(b) Scrutiny will not imply re-examination of the answer-books of a candidate. It will merely be a check to ensure whether there has been any mistake in totalling the marks assigned to individual question or in carrying them over or any omission to mark a question or part thereof;

(c) The result of scrutiny will be communicated to the Head of Institution and the candidate concerned;

(d) The fee paid for scrutiny of answer books shall not be refunded.

18. A plain reading of the above clause makes it abundantly clear that only a candidate can initiate the process of scrutiny, subject to certain procedural requirements. There is no provision in Clause 20 of Chapter V of the Bihar School



Examination Board Regulations, 1964, which empowers the Board to initiate scrutiny *suo motu* or alter a declared result on its own volition.

19. Sub-Clause (c) of Clause 20 of Chapter V of the Bihar School Examination Board Regulations, 1964, says that the result of scrutiny will be communicated to the Head of Institution and the candidate concerned.
20. In the present case, the petitioner never applied for scrutiny of his answer book. It is the case of the Bihar School Examination Board that the reduction of marks of the petitioner in Physics theory paper and declaring him fail in the Intermediate Examination, 2014, had occasioned on account of scrutiny of the answer book of the petitioner. The Board has failed to produce any material showing that the petitioner submitted any application for scrutiny of his answer book, along with the requisite fee. For the sake of argument, if it is accepted that the scrutiny of the answer book of the petitioner was done *suo motu* by the Board, then as per sub-clause (c) of Clause 20 of Chapter V of the Bihar School Examination Board Regulations, 1964, it was the duty cast upon the Board to communicate the result of the scrutiny to the Head of the Institution and the candidate concerned.
21. This is the specific case of the petitioner that when he approached the respondent no. 3, i.e. the College, in the year



2023, for collecting the original certificate, he was informed that another mark sheet had been issued by the Board, dated 27.05.2014, declaring him fail in Physics theory paper.

22. In the present case, the Bihar School Examination Board has failed to produce any document/material showing that either the petitioner applied for scrutiny of his answer book within the prescribed period or it has also not been shown that the Head of the Institution forwarded any such application or recommendation for scrutiny on behalf of the petitioner.
23. In view of the aforesaid facts, it is evident that the Bihar School Examination Board has failed to produce any cogent material to show the compelling circumstances in which the Board scrutinized the answer book/marks of the petitioner subsequent to the publication of his result as pass. It is also evident that alteration in the marks of the petitioner and issuance of revised mark sheet were carried out unilaterally without any basis and without any statutory authority/regulation.
24. Considering the aforesaid discussion, the purported deduction of marks declaring the petitioner as fail after alleged scrutiny was not only beyond the scope of Clause 20 of Chapter V of the Bihar School Examination Board Regulations, 1964, but also violative of principle of natural justice and is arbitrary. The petitioner was neither informed nor afforded any



opportunity to be heard before declaring him fail.

25. If the petitioner had been informed about his result as fail after scrutiny immediately in the year 2014 itself, the petitioner had been in a position to contest the same before the respondent authority or the Court of Law or would have appeared in the compartmental examination again on the year 2014.
26. When the petitioner moved in life and was offered appointment as a Clerk in the Government in the year 2023, he was stunned to know that by virtue of revised result declared unilaterally by the Bihar School Examination Board behind his back, he has been declared as fail after changing his pass result.
27. This arbitrary action on the part of the Bihar School Examination Board shocks the conscience of the Court. As such, the action of the Bihar School Examination Board in unilaterally reducing the marks of the petitioner and declaring him fail is held to be arbitrary and cannot be given credence.
28. Accordingly, this Court holds that the petitioner's initial result of pass in the Intermediate Examination, 2014, vide mark sheet no. S388868, will take precedence over the revised result declaring him fail, having mark sheet no. S937549. The Bihar School Examination Board is directed to issue original certificate on the basis of the mark sheet of the petitioner declaring him pass, bearing no. S388868.



29. In the result, this writ application is allowed.

AFR/
Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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