

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8135 of 2017

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Dharmveer Kumar S/o Ram Lagan Paswan, R/o- Village- Gachhi Tola,
Rajendra Nagar, Ward No.- 32, Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board
2. The Chairman, Bihar School Examination Board, Buddh Marg, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baidyanath Thakur Mr. Md. Fahumuddin Mr. Rajeev Lochan
For the Respondent/s	:	Mr. Girjesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 07-10-2025 1. The present writ petition has been filed by the petitioner for a direction to the respondent authorities to publish his final result of the Secondary/Senior Secondary Teachers Eligibility Test, 2011 (hereinafter referred to as ‘TET 2011’), conducted on 17.02.2012.
2. The brief facts, leading to the filing of the present writ application, is that the Bihar School Examination Board (hereinafter referred to as ‘the Board’) had issued a programme for conducting TET 2011. The petitioner submitted his application for the subject Political Science and was issued an admit card to appear in the examination, scheduled to be held on 17.02.2012.



3. Upon declaration of the result of the TET 2011, the petitioner noticed discrepancies in his mark sheet, inasmuch as neither the subject nor the marks obtained in Paper-I and Paper-II were mentioned in his mark sheet and instead of marks, in the remarks column of his mark sheet, 'Blank/Invalid Subject and/or Language' was mentioned.
4. Seeing discrepancy in his mark sheet, the petitioner filed a representation before the Secretary of the Board on 20.06.2012, requesting him to correct his mark sheet and award the marks obtained by him in the TET 2011.
5. Acting upon the representation of the petitioner, the Board issued a revised marks statement, but this time also, the columns of marks obtained, marks percentage and result, were empty and in the remarks column, "Blank/Incomplete Group Subject" was mentioned.
6. Learned Counsel for the petitioner submits that there were certain discrepancies in the process of examining the OMR sheets by the computer and the Board investigated the issue and found that the discrepancy was caused due to fault in the computer programming for evaluation of the OMR sheets. A report in this regard was published in



the Hindi daily newspaper on 13.09.2012.

7. Some aggrieved candidates facing similar issues approached this Hon'ble Court in CWJC No. 20164 of 2012 and pursuant to the directions issued by this Court on 07.03.2014, the Board announced a special examination under Advertisement No. 8/2016 for those affected candidates whose mark were not awarded due to non-availability of their OMR sheets. The petitioner submitted his claim on 16.03.2016 to appear in the special examination scheduled to be held on 10.04.2016. However, his name did not appear in the final list of eligible candidates, vide press communiqué no. 18 of 2016, dated 07.04.2016.
8. Learned Counsel further argued that the action of the respondents in not allowing the petitioner to appear in the special examination was arbitrary, unreasonable and discriminatory. The petitioner suffered due to the fault of the respondents in the examination mechanism, specifically, the defect in the computer programming for evaluating the OMR sheets.
9. On the other hand, learned counsel for the respondents-Board submits that the petitioner had appeared in the TET



2011 examination, having Roll No. 1004110101 and since the petitioner had failed to correctly mark the relevant column for his subject in the OMR sheet, the result of the petitioner was accordingly published, mentioning 'Blank/Incomplete Group Subject' in the remarks column of his mark sheet. The examination was conducted in accordance with the Rules and the guidelines of the National Council for Teacher Education (NCTE). The candidates were categorically instructed to fill in their OMR sheets carefully and mistakes in filling the same could not be rectified thereafter.

10. The Board, vide Memo Nos. K/362, dated 11.07.2012, and K/407, dated 13.08.2012, had clarified that the errors committed by the candidates while filling the OMR sheets were not admissible for correction and any requests for re-evaluation or re-inspection could not be entertained beyond the prescribed procedure and time limits.
11. Learned Counsel next submits that the Special Examination under Advertisement No. 8/2016 was intended only for those candidates whose OMR sheets were lost or misplaced, and in the mark sheet of such candidates, 'master without OMR attendance' was



mentioned in the remarks column. The OMR sheet of the petitioner was neither lost nor misplaced and as such, he was not eligible to appear in the special examination.

12. It has further been argued that by order, dated 07.03.2014, passed in CWJC No. 20164 of 2012, this Court directed the Board to conduct a special examination only for those candidates, whose OMR sheets were missing. The case of the petitioner stands on entirely different footing inasmuch as the OMR sheet of the petitioner was not found missing and he made a mistake while filling the OMR sheet, and due to this mistake, the OMR sheet of the petitioner was not evaluated by the computer. Additionally, the records relating to TET 2011 have already been disposed by the designated Computer Centre on 26.06.2014, making any verification or correction impossible at this belated stage. The claim of the petitioner has no merit and the petitioner is not entitled to any relief.

13. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.

14. The contention of the petitioner primarily is that the action of the respondent-Board in not allowing the



petitioner to appear in the special examination held pursuant to the Advertisement No. 8/2016 was unreasonable and discriminatory. Insofar as the result of the petitioner is concerned, that was admittedly published and the marking of each subject could not be done as the petitioner made a mistake while filling the OMR sheet for the subject concerned. The result of the petitioner mentions 'Blank/Invalid Subject and/or Language' The Board has clarified that the error committed by the candidate while filling the OMR sheet was not admissible for correction and request for re-evaluation or re-inspection could not be entertained. The special examination was conducted for those candidates only whose OMR sheets were lost or misplaced. The mistake in filling or marking the OMR sheet cannot be remedied *post facto*, except in cases where fault lies with the Board.

15. In the case of **Union of India v. Mahendra Singh**, reported in **2022 SCC OnLine SC 909**, the Supreme Court has held that since the advertisement contemplated the manner of filling up of the application form and also the attempting of the answer sheets, it has to be done in the manner so prescribed.



16.The Board has adequately demonstrated that the examination documents pertaining to TET 2011 had already been disposed on 26.06.2014.

17.Considering the aforesaid discussion and the fact that the result of the petitioner was already published by the Board and it was due to the error committed by the petitioner while filling the OMR sheet that the marks could not be awarded to him, I do not find any merit in this writ application.

18.This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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