

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16873 of 2021

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Kabita Kumari @ Kavita Kumari W/o Ganesh Pandey, R/o Village - Nava
Nagar Nijamat, P.S.- Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board, Patna through its Chairman.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary Bihar School Examination Board.
4. The Controller of Examination, Bihar School Examination Board, Patna.
5. The State of Bihar through Principal Secretary, Education Department,
Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Ranjan, Advocate
For the BSEB	:	Mr. Satyabir Bharti, Advocate
		Mr. Abhishek Anand, Advocate
		Ms. Kanupriya, Advocate
For the State	:	Mr. Shankar Kumar Thakur, AC to GP27

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 26-06-2025 Heard Mr. Rakesh Ranjan, learned counsel appearing

on behalf of the petitioner; Mr. Satyabir Bharti along with Mr.

Abhishek Anand and Ms. Kanupriya, learned counsels for the

Bihar School Examination Board and Mr. Shankar Kumar

Thakur, learned AC to GP-27 for the State.

2. The petitioner in paragraph no. 1 of the present writ
petition has sought *inter alia* following relief(s), which is
reproduced hereinafter:

*"That the present writ application
is for issuance of an appropriate writ/writs
in nature of mandamus for Commanding and
directing the Respondent Authority Concern*



and directing the Respondent Authority Concern for inclusion of Female with relaxation category of 5 % at Par with SC/ST, EBC, BC and handicapped in Corroborated / inserted under 9 (G) taken to consideration the specific and clear assumption of female with remaining others under the Provisions referred in 14 (E) holding Specifically that for successful candidate 50% Marks are Compulsory however 5% relaxation was given to the Candidates belonging to SC / ST, Female, handicapped which are the basic requirement under Rules of Reservation as well as the further prayer is that the Respondent may be directed to provide the said benefit after inclusion of female at appropriate place. And for other necessary relief / reliefs on the basis of facts and circumstances of case stated here in after:"

3. Learned counsel appearing on behalf of the Bihar School Examination Board and learned counsel for the State have jointly informed that the petitioner couldn't qualify in Secondary Teacher Eligibility Test (STET), 2019 having not obtained the minimum qualifying marks i.e. 50 % fixed for general category candidates. No relaxation of marks has been provided in the advertisement of the year 2019. Paragraphs 7 and 8 of the said advertisement prescribes the eligibility criteria. Sub-paragraph 11 of paragraph no. 7 of the said advertisement provides 5% relaxation to the candidates belonging to the Schedule Cast, Schedule Tribe, Extremely Backward Class,



Backward Class and Disabled candidates. The advertisement don't mention anywhere that women is also entitled for 5% relaxation in marks. It is further informed that selection process has already been completed and as such, the petitioner cannot be given relaxation in marks in view of the conditions stipulated in the advertisement of the year 2019.

4. In view of the law laid down by the Apex Court, the petitioner having participated in the examination, now cannot challenge the terms and conditions of the advertisement.

5. Accordingly, the present writ petition stands dismissed.

(Purnendu Singh, J)

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