

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.611 of 2021
In
Civil Writ Jurisdiction Case No.22114 of 2019

1. The Chairman, Bihar School Examination Board, Patna.
2. The Secretary, Bihar School Examination Board, Patna.
3. The Controller of Examination, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

1. Md. Waris, S/o Md. Yusuf, Resident of Village Dalokhar, P.S. - Ladania, District - Madhubani.
2. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Education Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gyan Shankar, Advocate Ms. Ankita Roy, Advocate
For the Respondent/s	:	Mr. Shailendra Prasad, Advocate Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date: 05-08-2025

The present intra-court appeal has been filed by the appellants/Bihar School Examination Board against the judgment dated 23.01.2020, passed by the learned Single Judge in CWJC No. 22114 of 2019, whereby the writ petition was disposed of with a direction to the BSEB to consider the case of the petitioner, if he produces the



documents supporting that he belongs to BC-1 category.

2. As per the fact on record is that the Bihar School Examination Board (for brevity the 'Board') issued result card of Bihar Elementary Teacher (Trained) Eligibility Test-2017, dated 06.03.2018 to the writ petitioner showing him in BC-II category instead of B.C.-I. Writ petitioner belongs to Momin/Ansari caste, which, as per the Bihar Government Circular No. 13623 dated 19.09.2015, comes under BC-I category. Petitioner produced the caste certificate dated 18.09.2019 issued by the Circle Officer, Ladania, District-Madhubani and certificate issued by Mukhiya of the concerned Gram Panchayat in which it is mentioned that petitioner belongs to BC-I category. The petitioner represented before the Board for rectifying his category in the result card, but the same was not corrected. Being aggrieved, the writ petitioner filed the writ petition for the following relief(s):-

“(i) To direct the Chairman, Bihar School Examination Board, Patna to make correction in the certificate of Bihar Elementary Teacher (Trained) Eligibility Test 2017 in which category of the petitioner has been entered as B.C.-II instead of B.C.-I.



(ii) To sanction other benefit/benefits your Lordship deem fit and proper in the circumstances of the case.”

3. The learned Writ Court considering the merits of the case, disposed of the writ petition, directing the Board to consider the case of the petitioner in holistic manner, if he produces the documents supporting that he belongs to BC-1 category. The Board has challenged the order of the Writ Court in the present Letters Patent Appeal

4. The learned counsel for the appellants submitted that the writ petitioner was seeking a correction in the result card at a belated stage, in the category, from BC-II to BC-I category, issued with respect to Bihar Elementary Teacher (Trained) Eligibility Test – 2017. The applications for the said test were called online, and the writ petitioner/respondent mentioned his category as BC-II while submitting his application.

5. The learned counsel for the appellants further submitted that the candidates were given time to make the necessary correction, in-spite of this, the petitioner did not make any correction with respect to his category as



mentioned in the application.

6. The learned counsel for the respondent submitted that the learned Single Judge had rightly allowed the writ petition, and the judgment of the learned Single Judge requires no interference.

7. It appears that, in the present case, the respondent herein had made an inadvertent mistake with respect to his category while submitting his application. It is also noted that the respondent herein had produced the requisite caste certificate at the later stage when he sought correction in his category. The learned Single Judge has also considered the same in the judgment, which is reproduced as under: –

“6. The aforesaid dictum may, no doubt, be correct in certain circumstances. But in the present case, merely because there was an inadvertent error in the application form of the petitioner, who has passed the eligibility test and that if the caste category is corrected, the petitioner would not be traversing on the claim of any other, such principle of law cannot be pressed/invoked for rejecting the case of the petitioner. The caste of a particular person which may fetch benefit to him under the present dispensation, cannot be changed by wrong



entry in any form, even if it be on his own account. The caste attaches with the birth of a person and cannot be inter changed.”

8. While allowing the writ petition, the learned Single Judge issued the following directions, which are quoted as under:

“7. Considering this aspect of the matter, this Court directs that in case the petitioner makes a suitable application before the Secretary of the Bihar School Examination Board within a period of three weeks, annexing all the documents in support of his contention that he belongs to BC-I category, the same shall be looked into by the concerned respondent in a holistic manner, who, after taking into account whether the certificates produced are genuine and that such correction would not put other trained candidates to any disadvantage, shall pass a reasoned order in accordance with law within a period of eight weeks of the receipt of such representation, which decision shall be communicated to the petitioner forthwith.”

9. Being in agreement with the aforesaid observation and direction of the learned Single Judge, we do not find any perversity in the order of the learned Single Judge. We further find that the learned Single Judge has



issued direction to the appellants to consider the case of the respondent No. 1, which, in no manner, can cause any prejudice to the appellants, hence, there is no case of interference.

10. Accordingly, the appeal stands dismissed.

11. Interlocutory application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Ramesh Chand Malviya, J)

Sujit/-

AFR/NAFR	NAFR
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