

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11762 of 2018

1. Chandra Prakash Sharma Son of Bindeshwari Prasad Sharma, resident of Village- Govindpur, P.O. and P.S.- Khairah, District- Saran, Bihar, Pincode- 841414.
2. Sanjana Kumari, daughter of Akhilesh Kumar Singh, resident of Village- Shiv Nagar, Station Road, P.O. and P.S.- Hilsa, District- Nalanda, Bihar, Pincode- 801302.
3. Dharmendra Kumar, Son of Hiralal Prasad, resident of Village and P.O.- Kesath, P.S.- Nawanagar, District- Buxar, Bihar, Pincode- 802125.
4. Kumari Amrita, Son of Ashok Kumar Yadav, resident of Village- Mahadeo Tikar, P.O.- Sadipur, P.S.- Pirpainti Middle School, District- Bhagalpur, Bihar, Pincode- 813209.
5. Swati Kumari, daughter of Arun Kumar Mishra, resident of Village and P.O.- Lakhnipur Maheshpatti, P.S.- Ujiarpur, District- Samastipur, Bihar, Pincode- 848132.
6. Shivanand Pandey, Son of Krishnamurari Pandey, resident of village- Marichawn, P.O.- Darauli, P.S.- Bhabhua, District- Kaimur Bhabhua, Bihar, Pin Code- 821101.
7. Eshrath Khatoon, daughter of Alimuddin, resident of Village- Sunderpur, P.O. and P.S.- Pirpainti, District Bhagalpur, Bihar, Pincode- 813209.
8. Gita Kumari, daughter of Nagina Rajak, resident of Village- Shahpur, Pokhara Par Aurangabad, P.O. P.S. and District- Aurangabad, Bihar Pin Code- 824101.
9. Abhishek Kumar, Son of Shyam Kishor Ray, resident of Village- Bharat Nagar, P.O. and P.S.- Gaighat, District- Muzaffarpur, Bihar, Pin Code- 847107.
10. Ajit Kumar Prabhakar, Son of Yugeshwar Ray, resident of Village and P.O.- Navanagar, P.S.- Bidupur, Bazar, District- Vaishali, Bihar, Pincode- 844503.
11. Pintu Kumar, Son of Sakal Rai, Resident of Village- Chakmaigar, P.O. and P.S.- Bidupur, District- Vaishali, Bihar, Pincode- 844503.
12. Jay Prakash Thakur, Vishwanath Thakur, resident of Village- Bhikhana, P.O.- Satghara, P.S.- Andharathadhi, District- Madhubani, Bihar, Pincode- 874224.
13. Munmun Kumari, daughter of Govind Prasad Singh, resident of Village and P.O.- Meghul, P.S.- Khodabandpur, District- Begusarai, Bihar, Pincode- 848202.
14. Raj Kumar Singh, Son of Balkeshwar Singh, resident of Villalge- Korjana, P.O.- Bashi, P.S.- Cheriya Briyarpur, District- Begusarai, Bihar, Pincode- 848202.
15. Amir Raza, Son of Naeemuddin, resident of Village and P.O.- Chamotha, P.S.- Rajauli, District- Nawada, Bihar, Pincode- 805125.
16. Rehana Khatoon, daughter of Phool Mohamad Ansari, resident of Village- Ramdihan, P.O.- Gaundra, P.S.- Chakta, District- East Champaran, Bihar



Pincode- 845426.

17. Abhilasha Sinha, daughter of Giridhar Gopal, resident of Village- Rajendra Nagar, P.O. P.S. and District- Nawada, Bihar, Pincode- 805110.
18. Pramod Kumar, Son of Suryadayal Ram, Resident of Village- Vinowa Nagar, P.O. and P.S.- Goh, District- Aurangabad, Bihar Pincode- 824203.
19. Sarita Kumari, daughter of Rambriksh Singh, resident of Village- Bhagawan Bigha, P.O. and P.S.- Dalidnagar, District- Aurangabad, Bihar Pincode- 824143.
20. Dharmendra Son of Narayan Prasad Singh, Resident of Village- Lakari Dhari, P.O.- Pakki Sarai, P.S.- Town, District- Muzaffarpur, Bihar Pincode- 802001.
21. Munna Kumar Singh, Son of Triloki Singh, resident of Village and P.O.- Barkagaon, P.S.- Tarai, District- Bhojpur, Bihar, Pincode- 802209.
22. Raghendra Pratap Singh, Sn of Ramesh Kumar Singh, resident of Village- Kuariyan, P.O.- Ismela, P.S.- Dighwara, District- Saran, Bihar Pincode- 841221.
23. Rishikant Yadav, Son of Ram Krishna Yadav, resident of Village- Lakhminia, P.O. and P.S.- Baliya, District- Begusarai, Bihar, Pin code- 851211.
24. Malti Kumari, daughter of Bindeshwar Kumar Sinha, resident of Mohalla- Hanuman Nagar, Tarachak Danapur, P.O. and P.S.- Danapur, District- Patna, Bihar, Pincode- 801503.
25. Ajay Kumar Mishra, Son of Ramashankar Mishra, Resident of Mohalla- Chamukha, Pokhar Bhindra, P.O.- Jigana, Dubey, P.S.- Bhore, District- Gopalganj, Bihar, Pincode- 841426.
26. Raushan Kumar, Son of Braj Kishore Chaudhary, resident of Village- Chhoti Yusufpur, P.O.- Hajipur, P.S.- Industrial Area, District- Vaishali, Bihar, Pincode- 844101.
27. Srishti, Daughter of Vijay Kumar Choudhary, resident of Mohalla- Ram Krishna Colony, P.O. Mahendru P.S.- Bahadurpur, Patna, District- Patna, Bihar, Pincode- 800006.
28. Chandar Mukhiya, Son of Dukhi Mukhiya, resident of Village Kataiya, P.O.- Mungraha, P.S.- Marauna, District- Supaul, Bihar, Pincode- 847452.
29. Bhartis, Son of Prasdih Narayan Singh, resident of Village and P.O.- Pitamberpur, P.S.- Ghosi, District- Jahanabad, Bihar, Pincode- 801306.
30. Poonam Kumari, daughter of Ranjeet Kumar Ram, Resident of Village- Loma, P.O.- Jandaha, P.S.- Tisiauta, District- Vaishali, Bihar, Pincode- 844505.
31. Munna Singh, Son of Haranarayan Singh, Resident of Village and P.O.- Basdila, P.S.- Jalalpur, District- Saran, Bihar, Pincode- 841412.
32. Balmukund Prafulla, Son of Rajkishore Prasad Yadav, resident of Village and P.O.- Chhitrauli, P.S. Maniyari, District- Muzaffarpur, Bihar, Pincode- 843119



33. Gangesh Choudhary, Son of Yogendra Choudhary, resident of Village- Paharpur, Shantikunj, P.O.- Paharpur, P.S.- Hajipur, Distirct- Vaishali, Bihar, Pincod- 844508.
34. Sanjeet Kumar, Son of Lakhendra Sah, residnet of village- Karjadhih, P.O. and P.S.- Karja, District- Muzaffarpur, Bihar, Pincod- 843106.
35. Chunchun Kumari, daughter of Taujee Yadav, resident of Village- Bala Bigha, P.O. Bala Bigha, P.S.- Makhdumpur, Distirct- Jahanabad, Bihar Pincod- 804422.
36. Md. Shoukat Ali, Son of Md. Emaroj, resident of Village and P.O.- Lokmanpur, P.S.- Kharik Bazar, District- Bhagalpur, Bihar, Pincod- 853202.
37. Md. Sharukh Alam, Son of Md. Firoz Munsuree, resident of Village- Kurma, P.O. and P.S.- Dhuraiya, District- Banka, Bihar Pincod- 813205.
38. Arun Kumar Chaudhary, Son of Radheshyam Chaudahry, resident of Village- Madhubani, P.O.- Dumaria, P.S.- Shikarpur, District- West Champaran, Bihar, Pincod- 845103.
39. Sanjana Kumari, daughter of Akhilesh Kumar Singh, resident of Village- Shivnagar, P.O. and P.S.- Hilsa, District- Nalanda, Bihar, Pincod- 801302.
40. Ajay Kumar, Son of Ram Tapasya Singh, resident of Village- Chakardah, P.O.- Balaur, P.S.- Udawant Nagar, District- Bhojpur Ara, Bihar, Pincod- 802206.
41. Govind, Son of Rambabu Shahi, resident of Village- Rampur North, P.O.- Korlahiya, P.S.- Hathuri, District- Muzaffarpur, Bihar, Pincod- 843117.
42. Ranjeet Kumar, Son of Dorik Mahto, Resident of Village- Jahanpur, P.O. and P.S.- Bachhwara, District- Begusarai, Bihar, Pincod- 851111.
43. Anita Kumari, daughter of Surendra Singh Yadav, resident of Village- Mauri Bigaha, P.O.- Mauri, P.S.- Paliganj, District- Patna, Bihar, Pincod- 804426.
44. Amit Kumar, Son of Sunil Kumar, resident of Village- Raghunathpur, P.O.- Mirpur, P.S.- Chiraiya, District- East Champaran, Bihar, Pincod- 845415.
45. Uday Kumar Ojha, Son of Krishna Nath Ojha, resident of Village and P.O.- Agauthar Nanda, P.S.- Isuapur, District- Saran, Bihar, Pincod- 841411.
46. Rajesh Pandit, Son of Akbali Pandit, Resident of Village- Murali, P.O.- Murali Parsauni, P.S.- Balthar, District- West Champaran Bettiah, Bihar Pincod- 845307.
47. Guriya Kumari, Daughter of Ashok Roy, resident of Village and P.O.- South Dhamoun, P.S.- Dhamoun, District- Samastipur, Bihar, Pincod- 848504.
48. Ramesh Sah, Son of Sitaram Sah, Resident of Village and P.O.- Ladapur, P.S.- Gaighat, District- Muzaffarpur, Bihar, Pincod- 847107.
49. Anup Kumar Tiwari, Son of Arvind Tiwari, resident of village- Laghunaha Tiwari Tola, P.O.- Pokharia, P.S.- Chainptiya, District- West Champaran, Bihar, Pincod- 845449.
50. Amit Kumar, Son of Vijay Kumar Mehta, resident of village- Harbhanga, P.O. and P.S.- Sarsi, Dsitric- Purnea, Bihar, Pincod- 854306.



51. Veenapani Mandal, Son of Ishwar Chandra Mandal, resident of Village and P.O. Singhiya Ghat, P.S.- Bibhutipur, District- Samastipur, Bihar, Pincode- 848236.
52. Tetar Kumari, Daughter of Abhimanyu Roy, Resident of village and P.O.- Dharampru Susta, P.S. Sakra, District- Muzaffarpur, Bihar, Pincode- 843119.
53. Neetu Kumari, Daughter of Chandradhari Singh, resident of Village- Bihta, Purvidih, P.O. and P.S. Bihta, District Patna, Bihar, Pincode- 801103.
54. Upendra Kumar Ray, Son of Ram Chandra Ray, resident of Village- Sugiya Katsari, P.O. and P.S.- Sugiya, District- Sheohar, Bihar Pincode- 843329.
55. Munna Kumar Singh, Son of Sukhdeo Prasad Singh, Resident of Village and P.O.- Paluhara, P.S.- Gurua, District- Gaya, Bihar, Pincode- 824211.
56. Narendra Prasad, Son of Visheshwar Prasad, resident of Village- Chapra, P.O.- Belawaris, P.S.- Bendeya Goh, District- Aurangabad, Bihar, Pincode- 824203.
57. Jitendra Kumar, Son of Shiv Nandan Prasad, resident of Village- Hemda, P.O.- Sowr Rajapur, P.S.- Warisaliganj, District- Nawada, Bihar, Pincode- 805104.
58. Rambabu Kumar, Son of Ram Ashish Yadav, resident of Village- Rahi, P.O.- Mituniya, P.S- Baheri, District- Darbhanga, Bihar, Pincode- 847105.
59. Chandan Kumar, Son of Baleshwar Prasad, resident of Village- Naisarai Chowk, P.O. and P.S.- Biharsharif, District- Nalanda, Bihar, Pincode- 803101.
60. Rohit Kumar, Son of Ramdev Mahto, resident of Village- Pratap Nagar, P.O.- Rajni, P.S.- Murliganj, District- Madhepura, Bihar, Pincode- 852101.
61. Rinku Kumari, daughter of Ram Chandra Singh, resident of Village and P.O.- Sahajitpur, District- Chapra, Bihar, Pincode- 841422.
62. Kaustubh Mani Kumar, Daughter of Parmanand Singh, resident of Village and P.O. Maghra, P.S.- Deepnagar, District- Nalanda, Bihar, Pincode- 803101.
63. Munni Kumari, Daughter of Dwarika Sao, resident of Villagle- Madhopur Chandi, P.O.- Madhopur, District- Nalanda, Bihar, Pincode- 803108.
64. Sweta Raj , Daughter of Shree Raj Kishor Prasad, resident of Village- Naisarai, P.O. and P.S.- Biharsharif, District- Nalanda, Bihar Pincode- 803101.
65. Krishna Mohan Singh, Son of Shiv Bilas Singh, resident of Salimpur Kalimandir Road, P.O. P.S. and District- Buxar, Bihar, Pincode- 802101.
66. Pankaj Kumar Pandey, Son of Mithilesh Kumar Pandey, resident of Village and P.O.- Sadauan, P.S.- Singwalia, District- Gopalganj, Bihar, Pincode- 841405.
67. Mukesh Kumar, Son of Brahamdeo Man, resident of Village Bhrampur Tola, P.O.- Itahri, P.S. Aalam Nagar, District- Madhepura, Bihar, Pincode- 852219.
68. Bikram Kumar, Son of Yogendra Prasad Bhagat, resident of Village P.O. and P.S.- Bhawanipur, District- Purnea, Bihar, Pincode- 854204.



69. Anand Kumar, Son of Ram Krishna Sah, resident of Village- P.O. and P.S.- Sitamarhi, District- Sitamarhi, Bihar, Pincod- 843302.
70. Anupam Kumari, Daughter of Nagesh Chandra Shukla, resident of Village and P.O. - Phulhar, P.S.- Harlakhi, District- Madhubani, Bihar, Pincod- 847240.
71. Umesh Kumar, son of Budhan Singh, resident of Mohalla- Kaushalya Shanti Niketan Virat, Ward No.9, Gjadhar Ganaj, P.S.- Dhansol, District- Buxar, Bihar, Pincod- 802103.
72. Pankaj Kumar, Son of Sidh Nath Ram, Resident of Mohalla- Vanshapti Nagar, Ward No. 5, P.O. Near ITI College, Buxar, P.S. and District- Buxar, Bihar, Pincod- 802101.
73. Manoj Kumar Gupta, Son of Shankar Prasad, resident of Village- Basatpur, P.O- Shobhepur, P.S.- Bheldi, District- Saran, Bihar, Pincod- 841311.
74. Suman Kumar Singh, son of Laxman Singh, resident of Village and P.O.- Koreyan, P.S.- Bheldi, District- Saran, Bihar, Pincod- 841218.
75. Uday Shankar Singh, Son of Upendra Singh, Resident of Village and P.O.- Suhai Sahpur, P.S.- Baniyapur, District- Saran, Bihar, Pincod- 841403.
76. Deepak Ranjan, Son of Gopal Sharma, resident of Village- Deogaon, P.O.- Chirailly, P.S.- Khizersarai, District- Gaya, Bihar, Pincod- 824233.
77. Radheshyam Kumar, Son of Ram Kumar Chaurasiya, resident of Village , P.O. and P.S- Baligaon, District- Vaishali, Bihar, Pincod- 843114.
78. Saroj Kumari, daughter of Kedar Prasad Gupta, resident of Village and P.O.- Madhopur, P.S.- Laukaha, District- Madhubani, Bihar, Pincod- 847421.
79. Rimu Kumari, Daughter of Rakesh Tiwari, Resident of Village- Jabdaul, P.O.- Brindravan Ashram, P.S.- Chanptti, District- West Champaran, Bihar, Pincod- 845450.
80. Shailendra Prasad, Son of Nawal Kishore Singh, resident of village- Khakhra, P.O.- Jean Bigha, P.O. and District- Sheikhpura, Bihar, Pincod- 811103.
81. Abinash Kumar, Son of Ratneshwar Choudhary, resident of Village- Chhatapur, P.O. and P.S.- Chhatapur, District- Supaul, Pincod- 852137.
82. Bhavesh Sah, Son of Prabhu Sah, resident of Village- Baluaha, P.O. Khiraho Baluaha, P.S.- Mahishi, District- Saharsa, Bihar Pincod- 852216.
83. Mithilesh Kumar, Son of Yadunandan Prasad Yadav, resident of Village- Narayanpur, P.O.- Sahuriya, P.S.- Murliganj, District- Purnea, Bihar, Pincod- 852122.
84. Abinash Kumar, Son of Murari Prasad, resident of village- New Colony, Mahadev Sthan, Sheikhpura, P.O. P.S. and District- Sheikhpura, Bihar, Pincod- 811105.
85. Shyam Kumar Lal, Son of Nagendra Lal, resident of Village and P.O.- Hattha, P.S.- Piar, District- Muzaffarpur, Bihar, Pincod- 848125.
86. Manorma Kumari, daughter of Devendra Sharma, resident of Village and P.O.- Bhatahar, P.S.- Tharthari, District- Nalanda, Bihar, Pincod- 801307.



87. Rekha Kumari, Daughter of Mahendra Singh, resident of Village- Jandaha Arniya, P.O. and P.S.- Jandaha, District- Vaishali, Bihar, Pincod- 848505.
88. Bhavesh Kumar, Son of Nawal Kishor Singh, resident of Village and P.O.- Lay, P.S. Kajra, District- Lakhisarai, Bihar, Pincod- 811309.
89. Suman Kumar Saurabh, Son of Badri Narayan Singh, resident of Village- Rampurkhurd, P.O.- Kurnowh, P.S.- Sahebganj, District- Muzaffarpur, Bihar, Pincod- 843125.
90. Jitendra Kumar, Son of Tilakdhari Paswan, resident of Village- Barhatiya, P.O. Majhauri, P.O. and District- Vaishali, Bihar, Pincod- 844123.
91. Sanjay Kumar Gupta, Son of Suraj Sah, resident of Village- Janakpur Road, P.O. and P.S.- Pupri, District- Sitamarhi, Bihar, Pincod- 843320.
92. Manoj Kumar Choudhary, Son of Mahadeo Choudhary, resident of Village and P.O.- Bhim Das Tola, P.S. Rangra Chowk, District- Bhagalpur, Bihar, Pincod- 853205.
93. Bipeen Biharee, Son of Arun Kumar, Resident of Village and P.O.- Akair, P.S. Chandi, District- Nalanda, Bihar, Pincod- 801305.
94. Rawish Kumar, Son of Sri Narendar Kumar, resident of village- Chakhusaini, P.O. and P.S.- Mansi, District- Khagaria, Bihar, Pincod- 851214.
95. Rajesh Kumar Pathak, Son of Ganja Prasad Pathak resident of Village- Fatehpur, P.O.- Indour, P.S.- Itarhi, District- Buxar, Bihar, Pincod- 802117.
96. Laleshwar Kumar, Son of Sukhdeo Prasad Yadav, resident of Village- Lakshminia, P.O.- Daparkha, P.S.- Triveniganj, District- Supaul, Bihar, Pincod- 852139.
97. Shiv Shankar Kumar, Son of Raj Nandan Prasad, resident of Village- Tehta Near High School, P.O.- Tehta, P.S. Makhadumpur, District- Jahanabad, Bihar, Pincod- 804427.
98. Rashmi Singh, Daughter of Niranjn Kumar Singh, resident of Village Om Osho Medicine Near PNB Dak Banglow Road, P.O.- Begusarai, P.S. Nagar Thana, District- Begusarai, Bihar Pincod- 851101.
99. Kamlesh Kumar, Son of Baidyanath Singh, resident of Village and P.O.- Mirdaul, P.S.- Narpatganj, District- Araria, Bihar, Pincod- 854335.
- 100 Champak Kumar, Son of Rakesh Kumar, resident of Village and P.O.- Rajni Goath, P.S.- Murliganj, District- Madhepura, Bihar Pincod- 852101.
- 101 Pallawi Kumari, Daughter of Ram Naresh Prasad Singh, resident of Village- Phardogola, Bhagwanpur, Reva Road, Behind of Patahi Lane, P.O. Sadar, P.S. Sadar, District- Muzaffarpur, Bihar, Pin Code- 842001.
- 102 Sanjeev Kumar, Son of Prem Kumar Gupta, Resident of Village- P.O. and P.S.- Lauriya, District- West Champaran, Bihar, Pincod- 845453.
- 103 Kumari Poonam Sharma, Daughter of Upendra Nath Sharma, Resident of Village and P.O.- Mirjapur, P.S.- Madhaour, District- Chapra Saran, Bihar, Pincod- 841419.
- 104 Vinay Kumar, Son of Ramdev Prasad Vishwas, Resident of Village Basuli,



- P.O.- Simaria, P.S.- Piprabazar, District- Supaul, Bihar, Pincode- 852218.
- 105 Manoj Kumar Pandit, Son of Jaynarayan Pandit, Resident of Village- Anand Gram Bhanga, P.O.- Pathra, P.S.- Barhat, District- Banka, Bihar, Pincode- 813103.
- 106 Rintu Kumari, Son of Prabhu Dayal Prasad, Resident of Village- Kazibigha, P.O.- Allahganj, P.S.- Makhdumpur, District- Jahanabad, Bihar, Pincode- 804405.
- 107 Chandrabhushan Kumar, Son of Taugi Singh, Resident of Village- Bala Bigha, P.O. Solhanda, P.S. Makhdumpur, District- Jahanabad, Bihar, Pincode- 804422.
- 108 Sumit Roshan, Son of Shaligram Chourasia, resident of Village and P.O.- Sahuparbatta, P.S.- Naugachiya, District- Bhagalpur, Bihar, Pincode- 853204.
- 109 Md. Amir Reza, Son of Md. Mushtaque Alam, resident of Village Bhagwanpur, Ward No. 2, P.O.- Araria Bair Gachhi, P.S. Jokihat, District- Araria, Bihar, Pincode- 854311.
- 110 Dharmendra Kumar, Son of Raj Kumar Sah, resident of village and P.O.- Bhatauni, P.S.- Simri Bakhtiyarpur, District- Saharsa, Bihar, Pincode- 852127.
111. Arun Kumar Roy, Son of Kapoor Chandra Roy, resident of Village- Alipur Mukund, P.O.- Hasanpur Bhadwas, P.S.- Manua District- Vaishali, Bihar, Pincode- 844122.
- 112 Sabita Kumari, Daughter of Ramadhar Manjhi, Resident of Village- Bhithi, P.O.- Bhithi, P.S.- Goreyokothi, District- Siwan, Bihar, Pincode- 841434.
- 113 Meera Kumari, Son of Bauku Yadav, resident of village- Bishanpur, Ward No. 10, P.O.- Khajedih, P.S.- Ladania, District- Madhubani, Bihar, Pincode- 847232.
- 114 Alok Kumar, Son of Jagarnnath Prasad Singh, resident of Village- Lalbasanta P.O. and P.S.- Lalganj, District- Vaishali, Bihar, Pincode- 844121.
- 115 Vikash Kumar, Son of Shivilal Kumar, Resident of Village and P.O.- Kushmaha, P.S.- Jogbani, District- Araria, Bihar, Pincode - 854318.
- 116 Jyoti Priya, Son of Ganesh Prasad Mandal, Resident of Village- Shahabad, P.O.- Gangapur College, P.S.- Sultanganj, District- Bhagalpur, Bihar, Pincode- 813213.
- 117 Summi Priya, daughter of Gyan Chandra Prasad, resident of Village- Krishnpuri, Parwatia tola, P.O.- Bettiah, P.S.- Muffasil, District West Champaran, Bihar, Pincode- 845438.
- 118 Birendra Kumar, Son of Kedar Prasad, resident of Village- Silao Dih, P.O. and P.S.- Silao, District- Nalanda, Bihar, Pincode- 803117.
- 119 Raman Kumar, Son of Ramrup Yadav, Resident of Village and P.O.- Ratanpura, P.S.- Ghailara, District- Madhepura, Bihar, Pincode- 852128.
- 120 Sujeeta Kumari, Daughter of Ram Sagar Raut, resient of Village-



- Chiknoutwa, P.O.- Khajedih, P.S.- Ladaniya, District- Madhubani, Bihar, Pincod- 847232.
- 121 Subhash Kumar, Son of Ramotar Prasad Yadav, resident of Village and P.O. Sahugarh, P.S. and District- Madhepura, Bihar, Pincod- 852113.
- 122 Avdhesh Kumar, Son of Chulhae Paswan, resident of Village and P.O.- Sonuarja, P.S.- Tariyani, District- Sheohar, Bihar, Pincod- 843128.
- 123 Govind Kumar, Son of Chhotelal Sah, resident of Village- Bhoj Nagar Sugauli, P.O. and P.S.- Sugauli, District- East Champaran, Bihar, Pincod- 845456.
- 124 Anuranjan Kumar, Son of Sangam Lal Chaurasiya, resident of Village- Jadhua Barai Tola, P.O. and P.S.- Industrial Area, District- Vaishali, Bihar, Pincod- 844101.
- 125 Kumar Sagar, Son of Ramchandra Prasad, resident of Village P.O. and P.S.- Konch, District- Gaya, Bihar Pincod- 824207.
- 126 Md. Danish Anwar, Son of Md. Shahid Anwar, Resident of Village- Ghat Nawada, P.O.- Dalsingh Sarai, P.S. Dalsingh Sarai, District- Samastipur, Bihar, Pincod- 848114.
- 127 Lal Babu Kumar, Son of Chandrashekar Mahto, resident of Village- Dhobopur, Bansara, P.O. and P.S.- Hathauri, District- Darbhanga, Bihar, Pincod- 847301.
- 128 Saurav Azad, Son of Md. Hakim, Resident of Village and P.O.- Basahi, P.S.- Maghul, District- Begusarai, Bihar, Pincod- 848202.
- 129 Rajeev Ranjan, Son of Sunil Kumar, resident of Village and P.O.- Musehari, P.S.- Chapra Muffasil, District- Saran, Bihar, Pincod- 841414.
- 130 Manish Kumar Madhup, Son of Ram Sakal Ram, resident of Village- Jamuna P.O- Musehari, P.S.- Chapra Muffasil, District- Saran Chapra, Bihar, Pincod- 841414.
- 131 Santosh Kumar Mandal, Son of Basudev Mandal, resident of Village- Udayrampur Kodwar, P.O- Ghogha, P.S.- Kahalgaon, District- Bhagalpur, Bihar, Pincod- 813205.
- 132 Santosh Kumar, Son of Tulo Mandal, Resident of Village, P.O. and P.S.- Tikapatti, District- Purnea, Bihar, Pincod- 854101.
- 133 Bibekanand Mehta, Son of Kusheshwar Mehta, Resident of Village and P.O.- Kamalpur, P.S.- Kanauli, District- Supaul, Bihar, Pincod- 847451.
- 134 Priyanka Patel, Son of Dhurva Patel, resident of Village- Professor Colony Near Nagendra Chowk, P.O.- Shivganj, Ward No. 8, P.S.- Shivganj, District- West Champaran Bettiah, Bihar, Pincod- 845455.
- 135 Akhilesh Kumar, Son of Chhedi Ram, Resident of village- Ramabandh Giraj, P.O. P.S. and District- Aurangabad, Bihar, Pincod- 824101.
- 136 Guddu Kumar, Son of Dayanand Singh, Resident of village- Adharpur, P.O.- Nayanagar, P.S.- Teghra, District- Begusarai, Bihar, Pincod- 851133.
- 137 Md. Nazir Hussain, Son of Md. Ramjan Ali, resident of Village- Bandhtola, P.O.- Bishanpur, P.S.- Korha, District- Katihar, Bihar, Pincod- 854115.



- 138 Amrendra Kumar Saxena, son of Ramdeo Ram, resident of Village- Madardih, P.O.- Rajwara, P.S.- Wazirganj, District- Gaya, Bihar, Pin Code- 805131.
- 139 Sagar Bhagat, Son of Pramod Prasad Bhagat, resident of Village- Bhagalpur, P.O.- Kharmanchak, P.S.- Jogsar, T.O.P., District- Bhagalpur, Bihar, Pincodes- 812001.
- 140 Sujeet Kumar Paswan, Son of Ganga Paswan, resident of Village and P.O.- Paroria, P.S.- Ujiyarpur, District- Samastipur, Bihar, Pincodes- 848114.
- 141 Shiv Prasad Upendra, Son of Ram Prasad Yadav, Resident of Village- Bardepur, P.O. Pursaulia, P.S.- Kaluaaihi, District- Madhubani, Bihar, Pincodes- 847226.
- 142 Md. Moazzam Akhtar, Son of Md. Nasim Akhtar, resident of Village- Chaknathu, P.O.- Sanhoula, P.S.- Ekchari, District- Bhagalpur, Bihar, Pincodes- 813204.
- 143 Sunil Kumar, Son of Ganpati Chaudhari, resident of Village- Chhabail, P.O.- Mahapur, P.S.- Kawakol, District- Nawada, Bihar, Pincodes- 805106.
- 144 Sanjay Kumar Bishwas, Ganga Prasad Biswas, resident of Village and P.O.- Matkopa, P.S.- Kasba, District- Purnea, Bihar, Pincodes- 854330.
- 145 Rajniti Kumar, Son of Ram Prevesh Prasad, resident of Village and P.O.- Asarhi, P.S.- Hilsa, District- Nalanda, Bihar, Pincodes- 801302.
- 146 Devram Yadav, Son of Sampait Yadav, resident of Village and P.O.- Malin Belha, P.S.- Lalmaniya, District- Madhubani, Bihar, Pincodes- 847227.
- 147 Archana Kumari, daughter of Dharmendra Kumar Singh, resident of Village- Sultanpur Bhatta, P.O. and P.S.- Danapur Cantt. District- Patna, Bihar, Pincodes- 801503.
- 148 Roji Kumari, Daughter of Pramod Kumar Pramod, resident of Village- Bhagwanpur, P.O.- Samda, P.S.- Sourbazar, District- Saharsa, Bihar, Pincodes- 852201.
- 149 Md. Alam, Son of Ali Hassan Miyan, resident of Village- Sonwal Dakhin Paty, P.O. and P.S.- Sonwal, District- East Champaran, Bihar, Pincodes- 845425.
- 150 Ajay Kumar, Son of Hiralal Ray, resident of Village and P.O.- Sonbarsa, P.S.- Tariyani, District- Sheohar, Bihar, Pincodes- 843128.
- 151 Ajay Kumar, Son of Ramadhar Manjhi, Resident of Village- Bhithi, P.O.- Bhithi, P.S.- Goreya Kothi, District- Siwan, Bihar, Pincodes- 841434.
- 152 Shrikant Singh, son of Rampyare Singh, resident of Village- Gajadhara, P.O. and P.S.- Durgawati, District- Kaimur Bhabhua, Bihar, Pincodes- 821105.
- 153 Chandra Prakash, Son of Shivjee Prasad Singh, resident of Village- Baruna, P.O. Sewtha, P.S.- Narayanpur, District- Bhojpur, Bihar, Pincodes- 802202.
- 154 Ramesh Kumar, Son of Moti Bhagat, resident of village- D.K. Shikarpur, Barai Tola, P.O.- D.K. Shikarpur, P.S.- Shikarpur, District- West Champaran, Bihar, Pincodes- 855451.
- 155 Amit Kumar, Son of Birendra Ray, resident of Village- Brindaban, P.O.-



- Shukla Brindaban, P.S.- Uchakagaon, District- Gopalganj, Bihar, Pincode- 841440.
- 156 Mhatab Alam, Son of Md. Janur Alam, Resident of Village and P.O.- Harajee, P.S.- Awatar Nagar, District- Saran, Bihar, Pincode- 841207.
- 157 Sweta Kumari, daughter of Rajiv Nayan Yadav, Resident of village- Mahavir Asthan, Street No.1, Behind of New Lodge, P.O. and P.S.- Sasaram, District- Rohtas, Bihar, Pincode- 821115.
- 158 Ravindra Kumar, son of Nawal Kishor Prasad, resident of village- Tarapakar, P.O. and P.S.- Mehshi, District- East Champaran, Bihar, Pincode- 845426.
- 159 Sarita Kumari, daughter of Ram Vinay Sharma, resident of Village- Mouna Aihartoli Shobha Bhawan, P.O.- Chapra, P.S.- Chapra Town, District- Saran, Bihar, Pincode- 841302.
- 160 Roji Kumari, daughter Raja Ranjan, Resident of village- Nawa Chak, P.O.- Malikour, P.S.- Pusa, District- Samastipur, Bihar, Pincode- 848115.
- 161 Shila Upadhyay, son of Shailendra Kumar Upadhyay, resident of Village- Bara Jagarnath P.O.- Bhikhanpur, P.S.- Ahiyapur, District- Muzaffarpur, Bihar, Pincode- 842004.
- 162 Balbir Kumar, Son of Bilash Prasad Yadav, Resident of village- Turki, P.O. Bhattauni, P.S.- Bakhtiyarpur, District- Saharsa, Bihar, Pincode- 852127.
- 163 Suryamani Tiwari, Son of Bashishth Narayan Tiwari, Resident of Village- Birta Tola, P.O.- Ahirauliya, P.S.- Chiriya, District- East Champaran, Bihar, Pincode- 845415.
- 164 Chanchal Kumari, Daughter of Ram Sigasan Sah, Resident of Village and P.O.- Vishunpur Pakri, P.S. and District- Patna, Bihar, Pincode- 800002.
- 165 Jayram Prasad, Son of Raghunath Ram, Resident of Village and P.O.- Nawada, P.S.- Sahar, District- Bhojpur, Ara, Bihar, Pincode- 802208.
- 166 Santosh Kumar Jha, Son of Gagendra Narayan Jha, resident of Village- Barehatta Road, P.O.- Laheria Sarai, P.S.- Bhadharpur, District- Darbhanga, Bihar, Pincode- 846001.
- 167 Sadhana Sinha, Daughter of Mathura Prasad, resident of Village- Qumruddhiganj, P.O. and P.S.- Biharsharif, District- Nalanda, Bihar, Pincode- 803101.
- 168 Guddu Kumar Gupta, Son of Prahalad Sah, resident of Village Belwa, P.O. and P.S.- Lauriya, District- West Champaran, Bihar, Pincode- 845453.
- 169 Sunl Kumar Pal, Son of Rajaram Bhagat, Resident of Village- Jamunidihara, P.O.- Manikpur, P.S. Dhansoe, District- Buxar, Bihar, Pincode- 802128.
- 170 Anju Kumar, daughter of Ramjee Pal, Resident of Village- Lalapur, P.O. and P.S.- Kudra, District- Kaimur Bhabhua, Bihar, Pincode- 821108.
- 171 Rakesh Kumar Jha, Son of Parshuram Jha, resident of Village and P.O.- Belhwar, P.S.- Rajnagar, District- Madhubani, Bihar, Pincode- 847215.
- 172 Jeetendra Kumar, Son of Ravindra Rajak, resident of Village- New Bharat Dry Cleaners Bhola....., P.O. P.S. and District- Samastipur, Bihar, Pincode-



848101.

- 173 Deepak Kumar Yadav, Son of Ramprawesh Yadav, Resident of Village- Shiwadah, P.O.- Jalalpur, P.S. G.B.N. Tarwara, District- Siwan, Bihar, Pincod- 841506.
- 174 Ashok Kumar Uranw, Son of Ramchandra Uranw, resident of Village- Suraiti, P.O.- Dumra, P.S.- Bhawanipur, District- Purnea, Bihar, Pincod- 854204.
- 175 Ramesh Kumar, Son of Bipin Bihari Yadav, Resident of Village- Babhanauli, P.O.- Sohilpatti, P.S.- Basantpur, District- Siwan, Bihar, Pincod- 841406.
- 176 Pramod Kumar, Son of Suryadayal Ram, Resident of Village- Vinowanagar, P.O. and P.S.- Goh, District- Aurangabd, Bihar, Pincod- 824203.
- 177 Shanti Kumari, Daughter of Laloo Sharma, Resident of Village- Bahri Begampur, Kadam Tal, Jagpur, P.O. and P.S.- Patna City, District- Patna, Bihar, Pincod- 803118.
- 178 Suman Yadav, Son of Ghanshyam Yadav, resident of Village- Elas Gadh, Navbrar, P.O.- Patar, P.S. Raghunathpur, District- Siwan, Bihar, Pincod- 841502.
- 179 Chandan Kumar Yadav, Son of Devanand Yadav, resident of Village and P.O- Kulhariya, P.S.- Babubahi, District- Madhubani, Bihar, Pincod- 847401.
- 180 Pranita Kumari, daughter of Chandra Madhav Singh, resident of Village- Raghapur Pokhar, P.O.- Bhikhanpur, P.S.- Ahiyapur, District- Muzaffarpur, Bihar, Pincod- 842004.
- 181 Sharda Devi, Daughter of Suresh Ram, Resident of Village and P.O.- Brindavan Ashram, P.S.- Chanpatia, District- West Champaran, Bihar, Pincod- 845450.
- 182 Pinki Kumari, Daughter of Jagarnath Prasad , resident of Vilalge- Chiktoli Noniyar, Ward No. 8, P.O. and P.S.- Bettiah, District- West Champaran, Bihar, Pincod- 848438.
- 183 Dheeraj Kumar, Son of Basuki Nath Thakur, Resident of Village- Brahmotra, P.O. and P.S. Pandual, District- Madhubani, Bihar, Pincod- 847234.
- 184 Sunita Kumari, Daughter of Raghunandan Prasad Yadav, Resident of Village- Anand Vihar Ward No.- 3, P.O. P.S. and District- Madhepura, Bihar, Pincod- 852113.
- 185 Panjak Udas, Son of Rajnandan Prasad Yadav, Resident of Village Anand Vihar, Ward No. 3, P.O. P.S. and District- Madhepura, Bihar, Pincod- 852113.
- 186 Deepak Kumar, Son of Arun Kumar, Resident of Vilalge- Kairikhap, P.O. Banshgopal, P.S.- Rajauli, District- Nawada, Bihar, Pincod- 805125.
- 187 Abhijeet Kumar, Son of Yogendra Yadav, resident of Village- Kankaul, P.O.- Chilmil, P.S.- Muffasil, District- Begusarai, Bihar, Pincod- 851131.



- 188 Rahul Kumar, Son of Shashibhushan Roy, resident of Village- Kankaul, P.O.- Chilmil, P.S.- Muffasil, District- Begusarai, Bihar, Pincode 851131.
- 189 Rajeev Kumar, Son of Buchchi Ram, resident of Vilalge- Basti, P.O.- Balha, P.S.- Singhia, District- Samastipur, Pincode -848209
- 190 Puja Prity, Daughter of Janardan Singh, resident of Village- New Area, Kadam Gachh, Dehri, Dehri-on-Sone, Ward No. 25, P.O.- Dalmiyanagar, P.S.- Dehri, District- Rohtas, Pincode- 821307.
- 191 Durgesh Kumar, Son of Bhola Yadav, Resident of Village- Pipratol, P.O.- Parwa, P.S. Jaynagar, District- Madhubani, 847226.
- 192 Bhola Das, Son of Shree Ramswarth Das, resident of Village- Bihari, Madhwapur, Madhubani, P.O. Bihari, P.S. Madhwapur, District- Madhubani, Bihar, Pincode- 847305.
- 193 Priyanka Kumari, daughter of Shashikant Pandey, resident of Village- Sirisiyan, P.O. and P.S. Kargahar, District- Rohtas, Bihar, Pincode- 821107.
- 194 Poonam Kumari, Daughter of Birendra Prasad, resident of Village- Madhuabagh, P.O.- Sahaynagar Dhanaut, P.S.- Rupaspur, District- Patna, Bihar, Pincode- 801506.
- 195 Saroj Kumari, daughter of Sahdev Yadav, resident of Village- Goriya House Neyar Baj Agency, Siwan, P.O., P.S. and District- Siwan, Bihar, Pincode- 841226.
- 196 Renu Kumari, Daughter of Sreeram Prasad Shoundik, resident of Village, P.O. and P.S.- Bikramganj, District- Rohtas, Bihar, Pincode- 802212.
- 197 Rekha Kumari, daughter of Surendra Prasad Yadav, resident of Village- Bathnaha Tole Ramnagar, P.O., P.S.- Bathnaha, District- Sitamarhi, Bihar, Pincode- 843302.
- 198 Amit Kumar, Son of Ram Kishore Ray, resident of Village- Muradpur, P.O. and P.S.- Mahua, District- Vaishali, Bihar, Pincode- 844122.
- 199 Rakesh Kumar, son of Sudhir Kumar, resident of Village- Naya Tola Madhopur, P.O. and P.S.- Basudeopur, District- Munger, Bihar, Pincode- 811201.
- 200 Vidyanand, Son of Bhadai Singh, Resident of Village and P.O.- Katiknar, P.S.- Nawanagar, District- Buxar, Bihar, Pincode- 802125.
- 201 Anu Gupta, daughter of Gopal Prasad Gupta, resident of Village and P.O.- Sherpur, P.S. Maner, District- Patna, Bihar, Pincode- 801503.
- 202 Rajesh Kumar Prasad, son of Narayan Prasad, Resident of Village- Block Road Near Bharat Gas Office, P.O.- Dalsingh Sarai, P.S.- Dalsingh Sarai, District- Samastipur, Bihar, Pincode- 848114.
- 203 Ashok Kumar, Son of Ramji Yadav, Resident of Village, P.O. and P.S.- Lauriya, District- West Champaran, Bihar, Pincode- 845453.
- 204 Rakesh Ranjan, Son of Narvdeshwar Pandey, resident of Village- Vashishth Nagar, Near New Police Line, P.O. , P.S. and District- Ara, Bihar, Pincode- 802301.
- 205 Anamika Pathak, daughter of Shashi Kant Mishra, resident of Village-



- Sankat Mochan Nagar, Ara, P.O. and P.S. - Nawada, Ara, Distirct- Bhojpur, Bihar, Pincod- 802301.
- 206 Shiv Shankar Prasad Yadav, Son of Damodar Bishwas, resident of Village- Karor Dighli, P.O.- Kankhudia, P.S. Palasi, District- Araria, Bihar, Pincod- 854333.
- 207 Fulan Kumari, daughter of Om Prakash Pandit, resident of Village- Krishna Nagar Colony, Ishakchak, Bhagalpur, P.O. and P.S.- Ishakchak, District- Bhagalpur, Bihar, Pincod- 812002.
- 208 Rahul Kumar, Son of Paras Nath Rai, Resident of Mohalla- Teacher Colony, Charitravan Buxar, Ward No.- 2, In Front of Gyandee Public School, P.O.- Buxar, P.S.- Buxar, Town, District- Buxar, Bihar, Pincod- 802101.
- 209 Pranav Kumar, Son of Jayprakash Yadav, Resident of Village- Bhelahi, P.O.- Ratan Patti, P.S.- Murliganj, District- Madhepura, Bihar, Pincod- 852122.
- 210 Kumari Ranjana, Daughter of Rang Bahadur Singh, resident of Mohalla- Behind of SBI, Nawada, Ara P.O. and P.S.- Nawada, District -Bhojpur, Bihar, Pincod- 802301.
- 211 Raj Kumar, Son of Satyanarayan Yadav, Resident of Village- Chharrapatti, P.O. Kamlawati, P.S.- Jaynagar, District- Madhubani, Bihar, Pincod- 847226.
- 212 Sunita Kishor Sinha, Son of Ram Kishor Sinha, Resident of Village and P.O.- Murgaon, P.S.- Hulasganj, District- Jahanabad, Bihar, Pincod- 801303.
- 213 Baby Kumari, Daughter of Kari Yadav, resident of Village- Ramnagar, Ward No. 12, P.O.- Shahpur, Parithvipatti, P.S.- Bhaptiyahi, Dsitirct- Supaul, Bihar, Pincod- 852111.
- 214 Ganesh Kumar, Son of Bisundev Singh, resident of village P.O. and P.S. - Rajapakar, District- Vaishali, Bihar, Pincod- 844124.
- 215 Ravindra Prasad Singh, Son of Shital Singh, residnet of village- Rajapakar West, P.O. and P.S.- Rajapakar, District- Vaishali, Bihar, Pincod- 844124.
- 216 Pinku Kumari, daughter of Kailash Prasad Singh, resident of Village- Chetan Tola Kurha, Chitranjan Road KSS College, P.O.- Chetan Tola, P.S.- Bakhiya, District- Lakhisarai, Bihar, Pincod- 811302.
- 217 Priti Kumari, Daughter of Ravindra Prasad, Resident of Village- Sunderpur, P.O. and P.S. Katri Sarai, Distrit- Nalanda, Bihar, Pincod- 805105.
- 218 Om Prakash Yadav, Son of Hari Lal Yadav, resident of Village- P.O. and P.S.- Shrinagar, District- West Champaran Bettiah, Bihar, Pincod- 845452.
- 219 Amrita Kumari, Daughter of Krishna Kumar Roy, resident of Village- Malpur, P.O.- Chaita, P.S.- Ujiarpur, District- Samastipur, Bihar, Pincod- 848132.
- 220 Shashi Bhushan Singh, Son of Girja Prasad Singh, resident of Village- Usari, P.O- Khanjahanpur, P.S- Buniyadganj, District- Gaya, Bihar, Pincod- 823003.
- 221 Kanchan Kumari, daughter of Nand Kishor Prasad, resident of Village-



- Laxmipur, P.O.- Kawadpur, P.S.- Surajgarha, District- Lakhisarai, Bihar, Pincod- 811106.
- 222 Safik Alam, son of Saidar, resident of Village- Piprahi, P.O.- Jiyaram Raghapur, P.S.- Raghapur, District- Supaul, Bihar, Pincod- 852111.
- 223 Ajit Kumar, Son of Raj Bihari Singh, resident of Village- Kothara, Baheri, P.O.- Kothara, P.S.- Hayaghat, District- Darbhanga, Bihar, Pincod- 847105.
- 224 Niraj Kumar Yadav, Son of Yogendra Prasad Yadav, Resident of Village- Gohas, Bakaadganj, P.O- Kujri, P.S.- Palasi, District- Araria, Bihar, Pincod- 854333.
- 225 Narendra Nath Thakur, Son of Kkusheshwar Thakur, resident of Village- Kharapur, P.O.- Bhatauli, P.S.- Desari, District- Vaishali, Bihar, Pincod- 844504.
- 226 Amresh Kumar Alok, Son of Suryadeo Prasad Singh, resident of Village and P.O.- Kanti, P.S.- Fatehpur, District- Gaya, Bihar, Pincod- 824232.
- 227 Veena Kumari, Daughter of Ramanand Ray, resident of Village- and P.O.- Tetarpur, P.S.- Mohiuddin Nagar, District- Samastipur, Bihar, Pincod- 848502.
- 228 Gunjan Kumar, Son of Tripurari Prasad, resident of Village and P.O. Barauli, P.S.- Piro, District- Bhojpur, Bihar, Pincod- 800207.
- 229 Sunil Kumar, Son of Basu Singh, Resident of Village- Sultanpur, P.O.- Industrial Area, Hajipur P.S.- Hajipur, District- Vaishali, Bihar, Pincod- 844102.
- 230 Bharati Kumari, Daughter of Randhir Kumar Singh, Resident of Mohalla- New Tola Bihari, Jamui, P.O. and P.S.- Jamui, District- Jamui, Bihar, Pincod- 811307.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Pranav Kumar, Advocate
For the State : Mr. Jitendra Kumar Ray -1, SC-13
For the B.S.E.B. : Mr. Satyabir Bharti, Advocate

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
C.A.V. JUDGMENT**



Date: 09.08.2019

The present writ petition has been filed for directing the respondent Bihar School Examination Board (hereinafter referred to as the 'Board') to produce the decision by which the respondent Board has decided to delete wrong model questions and not to allot marks against the same and quash the said decision accordingly. The petitioners have also prayed for quashing the press communiqué bearing Advertisement No. 75 of 2017 and 89 of 2017, whereby the Controller of Examination of the Board has decided to delete the wrong questions on the basis of the objection. The petitioners have further prayed to direct the Board to award marks against all the wrong model questions to all the candidates who have appeared in the written examination of the Bihar Teacher Eligibility Test as well as to direct the Board to reduce the passing percentage up to 5 per cent in the case of female candidates belonging to reserved category of O.B.C., E.B.C., S.C./S.T. and specially Disabled candidates.

2. The brief facts of the case are that an advertisement bearing advertisement no. 42 dated 6.4.2017 was issued in the daily newspaper, seeking to conduct the Bihar Elementary Teachers Eligibility Test, 2017 (hereinafter referred to as the



‘BETET, 2017’) and the said examination was to be conducted for teaching in Class 1 to 5 in Primary School as well as for Class 6 to 8. The last date for submission of application form was fixed as 25.4.2017, but the same was extended to 30.4.2017. The writ petitioners having requisite qualifications had filled the forms. Subsequently, another advertisement bearing advertisement no. 54 of 2017 was issued whereby and whereunder one more opportunity was granted to the candidates to remove the error in the online application form which had not been removed and for the said purpose, date was fixed from 18.5.2017 to 20.5.2017. Accordingly, the date of examination was also extended and ultimately, the examination was held on 23.7.2017 wherein the writ petitioners had also appeared. After the examination was held, an advertisement no. 75 of 2017 was published wherein it was stated that the OMR sheets of the respective candidates were being uploaded on the website and in case, any candidate has any objection, such candidate can submit online objection on or before 25.10.2017. Thereafter, another advertisement bearing advertisement no. 83 of 2017 was issued by the Board wherein it was stated that those candidates, who are not satisfied with their marks, can submit their applications for scrutiny of the OMR answer-sheets and for



obtaining copy of their respective OMR answer-sheets in between 23.9.2017 to 30.9.2017, after depositing the requisite fees.

3. The further case of the writ petitioners is that the Board had conducted the aforesaid BETET, 2017 and the result was published on 21.9.2017. The writ petitioners were surprised that their names did not find place amongst the list of successful candidates and most of the candidates' result had been declared invalid. Subsequently, it transpired that the result of some of the candidates had been declared invalid on account of use of whitener or eraser etc.

4. The writ petitioners have stated in the writ petition that petitioners from serial no. 1 to serial no. 178 are such candidates whose results have not been published on account of them not securing the qualifying/passing marks and have been declared failed while the petitioners from serial no. 179 to serial no. 230 are such candidates whose results have not been published and their candidatures has been cancelled on account of use of whitener in the answer key/O.M.R. sheet supplied by the Board.

5. The learned senior counsel for the petitioners has submitted that several objections were received by the Board



whereafter the Board had published the model answer key and uploaded the same on the website, pursuant whereof further objections were received and another set of model answer key was uploaded for the second time on 28.12.2017 and a press communiqué bearing Advertisement No. 95 of 2017 was issued calling for the objections from the candidates, but the said model answer key was also found to be defective. However, without redressing the grievances of the candidates, the final result was published by the Board on 06.03.2018.

6. It is the contention of the learned senior counsel appearing for the petitioners that the details of the wrong model questions and answers have been mentioned in paragraph no. 16 of the writ petition wherein defects have been pointed out in 4 of such model questions/answers pertaining to various sets of questions papers. The learned senior counsel has submitted that the respondent Board has failed to follow the guidelines issued by the National Council for Teacher Education for the purposes of conducting the Teacher Eligibility Test, especially Clause-6 & 7 thereof. It is submitted that according to the guidelines of the N.C.T.E., examination has to be conducted for paper-I & paper-II and each paper consists of 150 questions each, having one marks, however, the same has been violated inasmuch as the



Board has reduced the marks in the examination by excluding the marks in relation to the wrong model questions and answers. It is submitted that in no case the marks can be reduced below 150. It is further submitted that the final result dated 06.03.2018 has been published without disposing of the objections sought through Memo dated 05.04.2018, hence the entire result is fit to be quashed. Though the learned senior counsel has contended that each and every candidate should be given full marks for the wrong questions/answers but in the alternative the learned senior counsel appearing for the petitioners has relied upon a judgment reported in **2011(3) PLJR 258 (Akshey Lal Pandit & ors. vs. The State of Bihar & Ors.)**, paragraph nos. 10 to 13 whereof are reproduced herein below:-

“10. Next question is about omission of 25 questions from consideration. It is submitted that preliminary examination was divided into two papers; one of General Studies for 100 marks and second of Law paper for 150 marks. Out of 150 questions set out in the paper of Law, 19 questions had a doubtful answer and in the paper of General Studies, 6 questions had some controversy in respect of the correct answer. In the circumstances, the



Commission has decided to omit the said 25 questions from consideration and to declare result on the basis of 225 questions alone.

11. The aforesaid omission is disturbing. It is beyond our comprehension that the constitutional institution, specialized in making recruitment, aided by the experts such as the Commission should set the question papers without ensuring that the optional answers contain the correct answer. This also speaks volumes about the sincerity with which the examination papers are set by the paper setters. It is quite possible that some of the examinees have correctly attempted some of those 25 questions. They would certainly stand to lose on account of omission of those 25 questions from consideration.

12. In the interest of justice, we consider it expedient that the Commission should extend its result or the qualifying marks by 25 marks. Meaning thereby that all those candidates who have failed to secure 154 marks (last one of the qualified candidate) but have secured 129 or more marks, should also be considered qualified to take the competitive examination. The Commission will publish a supplementary



merit list of the candidates who have secured less than 154 marks but 129 marks or more in the preliminary test. Same direction will apply to the candidates in the categories of Scheduled Castes and Scheduled Tribes.

13. Learned Additional Advocate General Mr. Lalit Kishore has strongly objected. He has submitted that the aforesaid direction is in contravention of the statutory Rules. He has submitted that if the aforesaid direction is permitted to stand, the Commission will have to allow around 40 per cent of the examinees to take the competitive written examination instead of 10 per cent of the examinees permitted by the Rules. He has submitted that in the past whenever such controversy arose the Hon'ble Supreme Court has approved the omission of disputed questions from consideration and declaration of result on the limited or truncated marks.”

7. Thus the argument advanced by the learned senior counsel for the petitioners is that the minimum qualifying marks should be reduced to the extent of wrong questions/answers.

8. The learned senior counsel has also relied upon a



judgment of the Hon'ble Apex Court, reported in (2018) 16 SCC 447 (Hanuman Datt Shukla & Others vs. State of Uttar Pradesh & Others), to state that candidates using whitener or blade cannot be held to be ineligible so as to warrant non-evaluation of their answer-sheets on the basis of advisory note given by the selection Board in absence of any such provision in the recruitment rules issued by the State Government. Reliance has been placed on paragraph nos. 5 to 8, which are being reproduced herein below:-

“5. In so far as the merit list of candidates who participated in the selection process for the post of Sub-Inspectors is concerned, out of the list of 810 candidates, it is stated by the learned Advocate General, on instructions received from the Principal Secretary (Home), that 670 candidates can be taken on the post of Sub-Inspector (Civil Police), the remaining 140 candidates can be appointed on the post of Platoon Cadre (PAC), which post also is equivalent to the post of Sub-Inspector (Civil Police). Further, while giving appointment in the above manner from out of the select list, the learned Advocate General has stated that there will be no right of seniority in the candidates already in the original seniority list and a separate/fresh merit list of 810 candidates will



be prepared on the basis of marks obtained by them and they will be kept below the candidates in the original seniority list. Appointments out of such select list that would be drawn on the basis of the marks secured by each one of the candidate to the post of Civil Police/PAC in terms of the fresh merit list of 810 candidates will be drawn purely on the basis of merit and preference indicated by the applicants in their application forms at the time of submission. The State will select only 810 candidates, as per the list, who were originally in the merit list, but were not selected due to use of whitener/blade in the OMR sheets. No other candidate shall have any claim over such appointment. Further, the candidates so appointed to the post of Sub-Inspector (Civil Police) and on the post of Platoon Cadre (PAC) will be sent for training only after completion of training of already selected candidates as currently there is no vacancy in training centres to impart training to the newly appointed candidates to the aforesaid posts. The appointment shall be done as an exceptional and one-time measure, this will not be treated as a precedent for any other case.

6. As regards the selection of Constables, the learned Advocate General stated that the State can accommodate only those candidates who could have been selected, had they not been



excluded from the final result for having used whitener/blade in OMR sheets. For this purpose, Board will prepare notional result as per notified vacancies (41, 610), after including all candidates who had used whitener/blade. Thereafter, separate list of all such candidates will be prepared who have found place in notional result, but could not find place in the result declared on 16-7-2015. After preparation of separate list of all such candidates, State will take steps to accommodate them, out of which 2500 candidates can be appointed as Constables in PAC, 1000 candidates can be appointed as Constables in Fire Service and rest of the candidates can be appointed in civil police. A separate list will be prepared on the basis of marks obtained by them and such candidates will be kept below the already selected candidates. State will appoint only those candidates who are in the fresh notional result to be prepared by the Board, who could not be selected due to use of whitener/blade. None other will have any claim to appointment. All new candidates will be sent for training after completion of training of already selected candidates, as there is no vacancy in training centres at present. Appointments will be done as an exceptional and one-time measure. This will not be treated as a precedent for any other case.



7. It is submitted by Mr P.P. Rao, learned Senior Counsel and other learned Senior Counsel/counsel appearing for the parties that as per the Recruitment Rules framed by the State Government to appoint the eligible candidates to the posts, referred to supra, there is no prohibition to disentitle a candidate from evaluating the answer sheets, who used whitener or blade in the relevant blocks in the OMR sheet (answer sheet). The said advisory note given by the Selection Board cannot be treated as a rule to declare such candidates who have used whitener or blade in the relevant blocks in the OMR/answer sheet as ineligible for evaluating their answer sheets. This statement is in conformity with the Recruitment Rules and it would further support the stand taken by the learned Advocate General, representing the respondent State of U.P. in making submission on the basis of written suggestions.

8. The appeals are disposed of in the aforesaid terms on the basis of the statement made by the learned Advocate General on the instructions received from the Principal Secretary (Home) and the legal submissions referred to supra.”

9. Per contra, the learned counsel Shri Satyabir Bharti, appearing for the Bihar School Examination Board, has



argued on the basis of the counter affidavit filed in CWJC No. 1504 of 2018 (Ashoke Krantti & ors. vs. The State of Bihar & ors.) and other analogous cases, in which case also learned senior counsel Shri Y.V. Giri, was appearing for the petitioners. In fact a copy of the said counter affidavit has also been made available to the counsel representing the petitioners herein. It has been stated by the learned counsel appearing for the Board that Bihar Elementary Teachers Eligibility Test, 2017, was conducted by the Respondent-Board on 23.7.2017 consisting of two papers i.e paper I and paper II. While paper I was for such candidates who were seeking appointment as Teachers in Class 1-5 whereas paper II was for those seeking appointment as teachers in Class 6-8. Paper I consisted of three compulsory sub papers i.e. Child Development, Environmental and Mathematics. Paper I also consisted of two optional sub papers i.e. L1 and L2 which comprised of five languages namely, Hindi, English, Bangla, Urdu and Maithili out of which a candidate had to choose any two languages. Similarly, Paper II consisted of two compulsory sub-papers, namely, (i) Child Development ii) Mathematics and Science or Social Science. Two sub-papers of language (L1 and L2) comprising of option to be chosen from 9 language papers was also prescribed. In



each of the aforesaid two papers i.e. Paper I and Paper II, there were four sets of questions i.e. Set A, B, C and D. The papers were set by State Council for Education Research and Training and after the examinations were held, model answers were prepared by a team of subject experts during the course whereof it came to light that six questions out of 240 questions in set A, B, C and D of Paper I were wrong and 21 questions out of 360 questions were wrong in paper II apart from 1 more question being wrong. It is the specific stand of the Respondent-Board that all the wrong questions were eliminated and thereafter, the result was published on 22.9.2017 by lowering down the full marks corresponding to the wrong questions.

10. The learned counsel for the respondent Board has further submitted that after the publication of the result of BETET, 2017 on 22.9.2017, many candidates had approached the Board complaining about the errors in questions whereafter, the Board had appointed a committee of subject experts to deal with the objections received from the candidates and then model answer key was prepared and the said model answer key received from the committee of experts was uploaded on the website of the Board, inviting objections thereupon and a fresh communiqué vide advertisement no. 95 of 2017 was issued on



28.12.2017, inviting all the appearing candidates to file their objections against the revised model answer key. The candidates had then filed their objections and the same was forwarded to the subject experts committee, comprising of experts in different subjects, who had then looked into the objections and had submitted its recommendations to the Board. The said Committee had identified ten wrong questions in set A, B, C and D of paper I, one extra wrong question in set D of paper I and in all the four sets of paper II, eighteen wrong questions were found. It is only in light of the report of the subject experts, final result of BETET, 2017 was published on 6.3.2018, after lowering down the total marks, which varied from candidate to candidate, depending upon the subjects chosen by a particular candidate. It is, thus submitted that the mandate of the judgment rendered by the Hon'ble Apex Court has been followed by the Respondent-Board in evaluating the OMR sheets of the candidates.

11. At this juncture, this Court deems it fit and proper to not only refer to certain important judgments on the issue under consideration, rendered by the Hon'ble Apex Court, but as also deems it expedient to extract the relevant paragraphs thereof, herein below:-



(i) *AIR 1983 SC 1230 (Kanpur University & ors. vs. Sameer Gupta & ors)*; paragraph nos. 15 to 18 are reproduced herein below:-

“15. The findings of the High Court raise a question of great importance to the student community. Normally, one would be inclined to the view, especially if one has been a paper setter and an examiner, that the key answer furnished by the paper setter and accepted by the University as correct, should not be allowed to be challenged. One way of achieving it is not to publish the key answer at all. If the University had not published the key answer along with the result of the test, no controversy would have arisen in this case. But that is not a correct way of looking at these matters which involve the future of hundreds of students who are aspirants for admission to professional courses. If the key answer were kept secret in this case, the remedy would have been worse than the disease because, so many students would have had to suffer the injustice in silence. The publication of the key answer has unravelled an unhappy state of affairs to which the University and the State Government must find a solution. Their sense of fairness in publishing the key answer has given them an opportunity to have a closer look at the system



of examinations which they conduct. What has failed is not the computer but the human system.

16. Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is wrong. We agree that the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well versed in the particular subject would regard as correct. The contention of the University is falsified in this case by a large number of acknowledged text-books, which are commonly read by students in U. P. Those text-books leave no room for doubt that the answer given by the students is correct and the key answer is incorrect.

17. Students who have passed their Intermediate Board Examination are eligible to appear for the entrance Test for admission to the Medical Colleges in U. P. Certain books are prescribed for the Intermediate Board Examination and such knowledge of the subjects as the students have is derived from



what is contained in those text-books. Those text-books support the case of the students fully. If this were a case of doubt, we would have unquestionably preferred the key answer. But if the matter is beyond the realm of doubt, it would be unfair to penalise the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong.

18. If the State Government wants to avoid a recurrence of such lapses, it should compile under its own auspices a text-book which should be prescribed for students desirous of appearing for the combined Pre-Medical Test. Education has more than its fair share of politics, which is the bane of our Universities. Numerous problems are bound to arise in the compilation of such a text-book for, various applicants will come forward for doing the job and forces, and counter-forces will wage a battle on the question as to who should be commissioned to do the work. If the State can succeed in overcoming those difficulties, the argument will not be open to the students that the answer contained in the text-book which is prescribed for the test is not the correct answer. Secondly, a system should be devised by the State Government for moderating the key answers furnished by the paper setters. Thirdly,



if English questions have to be translated into Hindi, it is not enough to appoint an expert in the Hindi language as a translator. The translator must know the meaning of the scientific terminology and the art of translation. Fourthly, in a system of 'Multiple Choice Objective-type test', care must be taken to set that questions having an ambiguous import are not set in the papers. That kind of system of examination involves merely the tick-marking of the correct answer. It leaves no scope for reasoning or argument. The answer is 'yes' or 'no'. That is why the questions have to be clear and unequivocal. Lastly, if the attention of the University is drawn to any defect in a key answer or any ambiguity in a question set in the examination, prompt and timely decision must be taken by the University to declare that the suspect question will be excluded from the paper and no marks assigned to it.”

(ii) 2013(4) PLJR 169 (Dhananjay Kumar Mishra & Ors. vs. The Bihar Staff Selection Commission & Ors.); paragraph nos. 6, 9, 49, 58, 64 and 78 are reproduced herein below:-

“6. Learned counsel for the petitioners while assailing the aforesaid result of the Main



Examination in these writ petitions, have raised the following pleas:—

- (i) Bihar Staff Selection Commission Rules, 2003 and Bihar Staff Selection Commission Conduct of Examination Rules, 2010 framed by the State Government are not only contrary to the provisions of Bihar Staff Selection Commission Act 2002 but they in fact do away with the very concept of autonomy as well as power and functions vested in Bihar Staff Selection Commission and the decision of the State Government in its Resolution dated 25.3.2010 authorising the Commission to take assistance from Bihar State Combined Admission Competitive Examination Board, hereinafter referred to as the Board, for conducting the Graduate Level Main Examination in hand and the resultant action of the Commission of surrendering its entire power and function to the Board in respect of conducting the Main Examination as well as evaluation of answer sheets (OMR Sheets) and declaration of the impugned result by itself had vitiated the entire process of selection.*
- (ii) The impugned result of the Main Examination cannot and in fact does not inspire confidence in view of the findings of police which while conducting the investigation of Economic Offence Case No. 23 of 2012 had arrived at a prima facie*



conclusion that OMR Sheets of several examinations conducted by the Commission including the present Graduate Level Main Examination were tampered and interpolated and in fact when the Commission had also not co-operated with the investigation leading to release of the accused persons on bail by taking benefit of Section 167(2) Cr.P.C., the complicity of the officers and employees of the Commission in tampering the answer sheets of the present Main Examination cannot be ruled out.

- (iii) The Commission having conducted the preliminary test for 1569 advertised posts could not expanded the zone of consideration by declaring the result of 27289 candidates as successful for their appearing in the Main Examination for 3285 posts specially when in the Advertisement No. 110/2010 there was a clear stipulation that candidates only upto five times of the total vacancies could be screened in preliminary test for appearing in the Main Examination.*
- (iv) There being a large number of defective questions and wrong answers in the multiple choice objective test conducted by the Commission in the Main Examination has vitiated the entire result specially when there was a provision for negative marking for the wrong answers.*
- (v) The failure on the part of the*



Commission to declare the result of Main Examination post-wise and category-wise has even otherwise made the impugned result vulnerable inasmuch as it is contrary to the spirit of the terms and conditions of Advertisement No. 110 of 2010.

9. Mr. Singh has also submitted that the criticism of the petitioners with regard to the defect in question and answers also have no basis, inasmuch as not only the Commission had maintained a complete transparency in this regard but had also invited objection before declaration of result by publishing the question and the model answer on its Website and also by taking into consideration the objections of the candidates by referring them to a set of experts. In this regard he has referred to the pleadings in the counter affidavit showing that based on such opinion of the experts changes were made in answers of 13 out 150 questions and only on the basis of such revised model key answer the evaluation of OMR answer sheets of all the candidates including the petitioners were made leading to the declaration of the impugned result by the Commission.

49. In the light of the aforesaid explanation, this Court would find that though there may be scope for criticism for the wavering stand being taken by the Board of Examiners, inasmuch as,



even according to them there were apparent thirteen mistakes in the model answers out of 150 questions and their respective answers. It has to be kept in mind that for every correct answer, four marks was to be given and for every wrong answer one mark was to be deducted as would be evident from the relevant portion of the extract of the booklet of question which reads as follows:—

“4. In the Test Booklet, there are 150 questions. Thus 150 questions in all are to be answered.

5. Each question is of 4 marks, which will be awarded for the correct answer. 1 mark will be deducted for each wrong answer. More than one Answer indicated against a Question will be declared as incorrect Answer.

6. If there is any difference between English version and the corresponding translated version in Hindi of any question, then the English version will be treated as authentic.”

58. In the considered opinion of this Court, such stand taken on behalf of the learned counsel for the Commission seems to be very fair, inasmuch as, such of the questions which had incorrect answer has to be altogether deleted from the zone of consideration as was held by the Apex Court in the case of Kanpur University (supra):—



“----- in a system of 'Multiple Choice Objective type test', care must be taken to see that questions having an ambiguous import are not set in the papers. That kind of system of examination involves merely the tick-marking of the correct answer. It leaves no scope for reasoning or argument. The answer is 'yes' or 'no'. That is why the questions have to be clear and unequivocal. Lastly, if the attention of the University is drawn to any defect in a key answer or any ambiguity in a question set in the examination, prompt and timely decision must be taken by the University to declare that the suspect question will be excluded from the paper and no marks assigned to it.”

64. In view of the aforesaid findings of this Court as also the law laid down by the Apex Court in the case of **LIC vs. Asha Ramchandra Ambekar** reported in (1994)2SCC 718, in the case of **A. Umarani vs. Registrar, Cooperative Societies & Ors.** reported in (2004)7 SCC 112 and in the case of **Himachal Pradesh Public Service Commission vs. Mukesh Thakur & Anr.** reported in (2010)6 SCC 759 [: 2010(3) PLJR (SC)127], it must be held that this Court cannot take on the role of examiners or evaluators or that of the Selection Board to examine discrepancy either in the question paper or the answer sheet so as to



assume the role of examiners paper setter and evaluator which is to be left to the expert body. It is with reason and purpose that courts have to assume the answer given in the key answer to be correct and any interference in a very light manner would tend this Court to take the role of the paper setter which would be clearly beyond the purview of judicial review. As is well understood and well settled, the power of judicial review generally speaking is not to be extended against the decision but is directed only against the decision making process.

78. In view of the above, it has to be held that re-evaluation after deleting the four questions i.e. question nos. 82, 147, 148 & 149 has to be made in respect of each and every 27289 declared successful in the preliminary test including 25792 who have been declared successful in the Mains Examination.”

12. It is further submitted by the learned counsel appearing for the Board that as far as use of whitener in BETET, 2017 is concerned, specific instructions were mentioned in the advertisement No. 63 of 2017 dated 13.7.2017 wherein instructions have been given to the candidates appearing in the BETET, 2017 to strictly not overwrite or use whitener during the course of attempting any question. At this juncture, it is



submitted that in a challenge pertaining to the very same BETET, 2017 result wherein, OMR sheet of the said candidate could not be evaluated on account of use of whitener in the answer-sheet, a coordinate Bench of this Court by an order dated 22.12.2017 passed in CWJC No. 16359 of 2017 (Brajesh Kumar vs. The State of Bihar & Ors.) has held that in case of use of whitener, since it was specifically prohibited under the instructions, no direction can be issued to publish the result for such candidates as the result has stood invalid. It is further submitted that the Respondent-Board has already supplied the OMR answer-sheets to those candidates, who had applied for supply of the same. Lastly, it is submitted that the writ petitioners have themselves prayed for lowering down the qualifying marks, which has already been granted by the Respondent-Board inasmuch as a consequence of lowering down the full marks, the qualifying marks automatically gets lowered although lowering down of qualifying marks would be only for those candidates, who had opted such subjects in which certain questions have been found to be wrong.

13. With regard to the aforesaid issue pertaining to invalidation of the candidatures of the candidates who have used whitener or eraser, it has also been submitted by the learned



counsel for the Board that the Board had published an advertisement no. 42 of 2012 dt. 04.04.2017, inviting applications from the interested eligible candidates, giving details and laying down the criteria, including as to how candidates concerned had to proceed adopting the online process while filling up and uploading their form for the purposes of the said examination through the website link of the Board. Thereafter, the Board had also published a notification contained in communiqué no. 63 of 2017 with respect to the BETET, 2017, intimating all the candidates concerned, as to how they have to proceed in course of giving their answers in the OMR answer-sheets of the said examination. All the said OMR answer-sheets were to be examined and evaluated by the computer, thus the candidates were required to take utmost care in giving their answers, without any overwriting, cutting or using whitener in the OMR answer-sheets, with the help of either blue or black ball-pen only. The said communiqué had been published in the local newspaper, as also was posted on the web portal of the respondent Board. In fact, the said advertisement contained in communiqué no. 63 of 2017 under column 4, categorically provides that use of pen or eraser in the OMR Sheet, folding of OMR sheet, tearing or application of



whitener on OMR Sheet are totally prohibited. Under column 5 of the said advertisement, the candidates had been cautioned to literally follow the said instructions and in case, the OMR sheets are not properly filled up then the same would be rejected by the computer resulting in invalidation of their result for which the candidate shall be solely responsible. It is, thus submitted that admittedly, some writ petitioners had used whitener in their OMR answer-sheets, hence, in such cases, the result has been declared with remarks “invalid due to use of whitener”.

14. The learned counsel for the respondent Board has further relied upon a judgment rendered by a coordinate Bench of this Court dated 6.5.2015 in CWJC No. 2650 of 2015 (Abdul Majid & Ors. vs. The State of Bihar & Ors. and other analogous cases), paragraph nos. 5, 6, 19, 23 and 26 whereof are quoted herein below:-

“5. About 350 objections were received by the Board till 21.10.2013, which led to appointment of Subject Experts. The decision to appoint the Subject Experts is corroborated by the notification dated 14.11.2013, which is Annexure-B to the counter affidavit of Bihar School Examination Board.

6. The Subject Experts submitted their report and opined that there were two defective



questions in Paper-I and three defective questions in Paper-II, which needed to be addressed. The Examination Board considered the report of the said experts and the Board in its meeting dated 20.11.2013 decided to delete two questions of Paper-I and three questions of Paper-II. The Computer Centre was given a direction for preparation and publication of results of the candidates by marking only 148 questions for Paper-I and 147 questions for Paper-II. In other words, evaluation was done with the reduced number of questions. This result came to be published on 29.11.2013.

19. Some of the counsels of the petitioners, therefore, urge that the best option would be to delete the number of wrong questions irrespective of the recommendation of the committees as to award of marks and evaluate the answers on the left over correct questions. There shall not be any chaos and confusion because the evaluation will be done on true merits of reduced number of questions. That will be a uniform yardstick of testing the merit of all the candidates who participated in the examination and it will not create any bias in favour of the candidates sitting at the top who will end up with more weightage or marks than they would have earned in TET examination. Reliance was placed by the counsel for some of



the petitioners in a case reported in 2012 (1) PLJR 542, which is the case of Manoj Kumar Vs. State of Bihar. It is the matter related to similar kind of wrong questions in an examination conducted by Bihar Public Service Commission for 52nd to 55th batch.

23. The Court, therefore, comes to a considered opinion that the only way to restore confidence and faith in the examination so held by the Examination Board would be to delete as many questions which are said to be 10 in Paper –I and 13 in Paper –II and evaluate the answer sheet of all the candidates with reduced number of correct questions. The publication of result after the above exercise will throw up the correct merit position of all the candidates with advantage or disadvantage to none, especially when it has already been noticed that this test also will have a bearing on the final merit as weightage is required to be given on the basis of performance in TET examination.

26. The Court directs the Examination Board to make a fresh evaluation of all the answer sheets of the candidates by deleting 10 questions in Paper-I and 13 questions in Paper –II. They shall declare the results on the basis of the above direction. Based on the said declaration, further exercise for appointment on the post of teachers for Urdu and Bangla will be carried



out. It will be in the interest of the State and the candidates that the matter is expedited.”

15. The learned counsel for the respondent Board has submitted that the aforesaid judgment rendered by a coordinate Bench of this Court in the case of Abdul Majid & Ors. (supra) has been upheld by the learned Division Bench by a judgment dated 31.8.2015 passed in L.P.A. No. 1287 of 2015 & Other analogous cases, as also reported in **2016 (1) PLJR 667**, paragraph nos. 2, 15, 16, 17, 20, 21, 36 and 37 whereof would be relevant to be reproduced herein below:-

“2.The appellants are aggrieved by the judgment and order of learned Single Judge, dated 6.5.2015, in CWJC No. 2650 of 2015 (Abdul Majid and Others vs. State of Bihar and Others) and other analogous matters, which arose out of publication of results by the Bihar School Examination Board (hereinafter referred to as the "Board") of Bihar Primary Urdu and Bangla (Special) Teachers Eligibility Test (hereinafter referred to as the "Test"), whereby learned Single Judge has directed the Board to make evaluation of answer sheets of candidates, who had participated in the Test, by deleting questions wrongly framed and declare result accordingly as against the decision of the*



Board, based on experts' suggestions, to award one mark for each incorrect question.

15. The question, in such type of test, consists of two parts, namely, the main part of the question, in any form, including "fill in the gap" or completing the statement in the main part to be answered or completed from the choices suggested in that question and so on. The main part and also the part, suggesting options or choices, together constitute a question.

16. In such circumstances, defect, in the main part of the question, which is technically called stem; or defective choices suggested to the main part of the question would render the question itself incorrect for the purpose of evaluation on answer given by the test taker. Out of multiple choices suggested to the test taker, only one choice is said to be correct answer for the question, which is called key answer; whereas other choices are called distractors. Normally, the bodies, which conduct such tests, prepare model answers, which are set of key answers for the purpose of computerised evaluation of the answer sheets.

17. What happened in the present case is that after tests having been held and before publication of results, the Board, which had conducted the test, issued a Communiqué No. 62/2013, vide Memo No. K/758, dated 10th



October, 2013, published in the local daily newspapers on 11th October, 2013, for information of all concerned that the main script of the question papers and the key answers would be available on the website of the Board. Objections were invited from the candidates in this regard. Nearly 350 objections were received till 21st of October, 2013. An expert body was constituted to consider the objections. The expert body, based on such objections, pointed out 2 defective questions out of 150 in Paper-I and 3 in Paper-II. As recommended by the expert body, the questions, found to be defective, were decided to be deleted for evaluation of answer sheets and accordingly full marks in Paper-I was reduced to 148 and that in Paper-II was reduced to 147. Based on such assessment, the results were published on the 29th November, 2013. The Board, thereafter, came out with another press communiqué for information to all concerned that revised key answers and used OMR sheets of the candidates were uploaded on the website of the Board for perusal.

20. A revised result was accordingly published. Objections were, again, raised as regards incorrectness of questions of Paper-I. An expert body was, once again, constituted, which found that 13 questions of the said paper mere



incorrect. It was, then, decided that the candidates, who had attempted the incorrect questions would be entitled for one additional mark for each such question. A revised merit list was accordingly published by the Board, the effect whereof was that such candidates, who had attempted the questions, which were admittedly incorrect, were given one additional mark for attempting such questions. It is to be mentioned that as per the decision of the Board and the State Government, the candidates, who had already been awarded marks against such incorrect questions, were not to be given further marks against such questions.

21. The developments, as noted above, gave rise to institution of writ applications, which came to be heard together by a learned Single Judge, the questions of law and fact being almost identical in nature, though the reliefs, sought for, were diverse. While some of the petitioners questioned the wisdom of the experts over the decision to award to the candidates one mark for each defective question, some of them alleged that there were further defective questions, which required to be dealt with. It was urged before learned Single Judge that it would have deleterious effects if final preparation of merit list, after awarding marks for defective questions, is allowed to prevail as



many candidates would be pushed in the zone of consideration on a presumption that they would have answered the defective questions correctly, had the questions been correctly framed.

36. In our considered view, the learned Single Judge has rightly held that in a situation such as the present one, wrongly framed questions should be deleted and the answer-sheets should be re-evaluated on the basis of remaining questions. The view, taken by learned Single Judge, is not only reasonable and rational view, it also ensures fair and equal treatment to all candidates, who participate in such a test, there being no disadvantage to any individual or undue advantage to the other. We do not find any infirmity in the order under appeal passed by learned Single Judge.

37. We do not think that discrepancies, in holding the eligibility test in question, as noted above, are such that the entire exercise, done by the Board, is required to be annulled. There is no allegation of any malpractice nor any irregularity of such nature warranting scrapping of the entire exercise.”

16. The learned counsel appearing for the Board has also relied upon a judgment rendered by the Hon'ble Apex Court, reported in **2014(14) SCC 95 (Secretary, Tamil Nadu**



Public Service Commission vs. A.B. Natarajan & Ors.) to contend that any irregularity / malpractice committed by a candidate while writing examination in violation of the instructions given to the candidates renders candidature of such candidates to become ineligible. In this regard, it would be relevant to reproduce paragraph nos. 11, 12, 15, 16, 18 and 19 herein below:-

“11. It is an admitted fact that serious irregularities had been committed by the candidates in their answer books. If one looks at the instructions, which had been given to the candidates for writing the answer books, it is clear that they had been informed in unequivocal terms that they had to use only blue, blue-black or black ink and they were supposed to use only fountain pen, steel pen or ballpoint pen. In spite of the said instructions, several candidates had used sketch pens, pencils and pens or pencils with different colours. Use of different colours or pencil could have given some indication to the examiner about the identity of the candidate. These facts clearly show that either the candidates were absolutely careless or they wanted to give some indication with regard to themselves to the examiner. If a candidate writes in his answer



book giving some indication with regard to himself with the help of a different ink or pencil- other than the prescribed writing instrument and the colour of ink, one can definitely presume that the candidate did not act in a bona fide manner.

12. There was a specific direction that the candidates had to start writing the answer books from the first page and no page should be left blank. In spite of the said clear instruction, several candidates kept several pages blank and what is most astonishing is that some of the candidates, after keeping the entire page blank i.e. without answering the question had written some irrelevant words or names. As for example, in one case on the entire page “MANI” was written. This is nothing but some indication to the examiner, which is definitely not permitted. Many of the candidates had given some indication with regard to some religion by writing the words or signs connected with a particular religion. A candidate is not supposed to give his identity or any indication with regard to himself in the answer books. If he does so, he is violating the instructions given to him which would amount to nothing but misconduct.

15. Normally, a straightforward candidate, who does not want to indulge in any malpractice,



would never make any effort to reveal his identity or make any special marking in his answer book. The purpose behind doing something abnormal or something which is not permitted, can be said to be an indication to the examiner about the identity of the candidate. Such an action on the part of the candidate cannot be tolerated if one wants clean, fair and transparent process of selection.

16. In the instant case, it is an admitted fact that there were serious violations of the instructions given to the candidates while answering the questions. Although all these details were placed before the learned Single Judge, the learned Single Judge did not give importance to these irregularities and dismissed the petitions, but when the appeals were filed, in our opinion, the Division Bench of the High Court rightly understood the importance of such irregularities and allowed the appeals by setting aside the selection of the candidates who had committed such irregularities while writing their answer books. We are of the view that if such a strict view is not taken by a constitutional body which has been entrusted with the work of selecting best candidates, the entire purpose behind having the Commission or any other such body for examining merit of candidates would be frustrated. We are,



therefore, of the view that the appellate court was absolutely justified in allowing the appeals and by holding that all those candidates who had committed material irregularities could not be declared selected.

18. The candidates who had applied for Class I post, if selected, were to be Class I officers of the State of Tamil Nadu. Not following the instructions given to them while appearing in the examination, which had been conducted for their selection, would either mean that they were so careless that they did not read or bother about the instructions to be followed or they wanted to give some indication to the examiner about their identity. In either case, such a candidate cannot be selected. A candidate, who is so careless that he does not bother about his own interest, cannot be expected to become a good officer. Interest of the candidate is to get through the examination and for that purpose he has to follow the instructions. By not following the instructions, he does not take care of his own interest. So, if he has written the answer books carelessly without bothering about the instructions given to him, he is a careless person who must not be appointed as an officer and if he has done it deliberately, then also he should not be appointed as an officer because one who plans



such illegalities even before joining his service, cannot be expected to become a fair and straightforward officer. So, in either case, such a candidate cannot be selected for appointment as an officer and that too a Class I officer of any State.

19. For the reasons recorded hereinabove, we are of the view that the Division Bench of the High Court was justified in delivering the impugned common judgment. The law propounded in the judgments referred to by the counsel for the appellants cannot be disputed, but looking at the facts of the instant case, we are of the view that the said judgments would be of no help to them.”

17. Another judgment relied upon by the learned counsel appearing for the Board is the one reported in **2016 (1) PLJR 865 (Ravindra Kumar Singh & Ors. vs. The High Court of Judicature at Patna & Ors.)**, paragraph nos. 44, 45, 48, 52, 53 and 54 whereof are reproduced herein below:-

*“44. Mr. Piyush Lal, learned counsel appearing for the High Court, has rightly placed reliance on the Supreme Court's decision in the case of **H.P. Public Service Commission vs. Mukesh Thakur & Another [(2010)6 SCC 759]**, wherein the Supreme Court dealt, primarily,*



with the issue at hand and held that it was not permissible for the High Court to examine the question paper and answer sheets itself, particularly, when the Commission had assessed the inter se merit of the candidates. The Supreme Court pointed out, in Mukesh Thakur (supra), if there was a discrepancy in framing of the questions or evaluation of the answer, it would be for all the candidates appearing for the examination and not for respondent no. 1 only. The Supreme Court observed, in Mukesh Thakur (supra), that it is a matter of chance that the High Court was examining the answer sheets relating to law. Had it been other subjects like physics, chemistry and mathematics, we are unable to understand, observes the Supreme Court, as to whether such a course could have been adopted by the High Court the relevant observations, appearing in paragraph Nos. 12 to 14, of Mukesh Thakur's case (supra) as follows:—

“12. In the facts and circumstances of the aforesaid case, three basic questions arise for consideration of this Court:—

- (i) As to whether it is permissible for the court to take the task of Examiner/Selection Board upon itself and examine discrepancies and inconsistencies in the question paper and evaluation thereof.*



(ii) *Whether Court has the power to pass a general order restraining the persons aggrieved to approach the court by filing a writ petition on any ground and depriving them from their constitutional rights to approach the court, particularly, when some other candidates had secured the same marks, i.e., 89 and stood disqualified for being called for interview but could not approach the court.*

(iii) *Whether in absence of any statutory provision for re-evaluation, the court could direct for re-evaluation.*

"13. In the instant case, the High Court has dealt with Question Nos. 5(a) & (b) and 8(a) & (b) and made the following observations:—

“We perused answer to Question Nos. 5(a) and 5(b) and found that the petitioner has attempted both these answers correctly and the answer to Question No. 5(b) was as complete as it could be. Despite the petitioner having attempted a better answer to Question No. 5(b) than the answer to Question No. 5(a), the petitioner has been awarded 6 marks out of 10 in answer to Question No. 5 (b) whereas he has been awarded 8 marks in answer to Question No. 5(a). Similarly in answer to Question Nos. 8(a) and 8(b) the petitioner has fared better in attempting an answer to Question No. 8(b) rather than answer to Question No. 8(a) and yet he got 4 marks out of 10 marks in answer to



Question No. 8(b) whereas he got 5 marks out of 10 marks in answer to Question No. 8(a).”

14. It is settled legal proposition that the court cannot take upon itself the task of the Statutory Authorities.”

45. Having observed, what have been indicated above, in Mukesh Thakur (supra), the Supreme Court concluded, in paragraph 19 of Mukesh Thakur’s case (supra), thus:—

“19. In view of the above, it was not permissible for the High Court to examine the question paper and answer sheets itself, particularly, when the Commission had assessed the inter-se merit of the candidates. If there was a discrepancy in framing the questions or evaluation of the answer, it could be for all the candidates appearing for the examination and not for respondent no. 1 only. It is a matter of chance that the High Court was examining the answer sheets relating to law. Had it been other subjects like physics, chemistry and mathematics, we are unable to understand as to whether such a course could have been adopted by the High Court.”
(Emphasis added)

48. It appears to us that the decision of the Supreme Court, in the case of Mukesh Thakur (supra), was not brought to the notice of the Division Bench of this Court in the case of



Kumod Kumar (supra). This apart, the Division Bench has held, in the case of Kumod Kumar (supra), that when there is strict time schedule to be followed, upsetting the result may lead to administrative chaos, when the interference may not be made. We take judicial notice of the fact that there is large number of vacancies in the posts of District Judge in the State of Bihar since long, which has been adversely affecting the administration of justice at district level and there is urgent need to fill up the posts. In our considered view, thus, it would not be desirable to interfere with the result of screening test on such technical pleas as raised in the present batch of proceedings without showing actual prejudice having been caused to the writ petitioners.

52. Reference may also be made to the Supreme Court's decision in the case of **Secretary, West Bengal Council of Higher Secondary Education vs. Ayan Das [(2007)8 SCC 242]**, wherein the Apex Court held that the Court should, normally, not direct re-assessment of answer sheets by another examiner in the absence of any specific statutory provision permitting such re-assessment. The relevant observations, made in the case of *Ayan Das (supra)*, read as under:-



*“9. The permissibility of reassessment in the absence of statutory provision has been dealt with by this Court in several cases. The first of such cases is **Maharashtra State Board of Secondary and Higher Secondary Education vs. Paritosh Bhupeshkumar Sheth [(1984)4 SCC 27: AIR 1984 SC 1543]**. It was observed in the said case that finality has to be the result of public examination and, in the absence of statutory provision, the court cannot direct reassessment/re-examination of answer scripts.”*

53. As has been noted above, the petitioners have also sought for a direction to lower down the cut-off marks of screening/preliminary test/preliminary test to 50%. In any event, this Court cannot issue a writ, in the nature of writ of mandamus, to lower down the cut-off marks to 50% as the selection to the post, in question, is governed by Bihar Superior Judicial Service Rules, 1951, and sub-clause (iii) of Clause (c) of Rule 5 of the Rules requires that ten times the number of vacancies for appointment should be called for Main (Written) Examination on the basis of screening/preliminary test/preliminary test. The said Rules have been framed under Article 309 of the Constitution of India and are required to be strictly adhered to. This Court, while exercising power of judicial review under



*Article 226 of the Constitution of India, cannot issue a writ, in the nature of writ of mandamus, to disobey law. Reference, in this regard, may be made to the case of **State of Bihar & Ors. vs. Ramdeo Yadav & Ors., (1996)3 SCC 493 [1996(2) PLJR (SC)34].***

54. Situated thus, having considered the facts and circumstances of the present case and the submissions advanced on behalf of the parties, we arrive at the following conclusions:—

(i) In the absence of any pleading that these petitioners raised any objection/grievance with respect to wrong framing of Question Nos. 1, 14, 39, 40, 72, 81 and 85, at any stage prior to publication of the revised result on 4.5.2015, their plea to challenge the revised list on the basis of purported wrong framing of those questions cannot be entertained, when they have taken a chance of their success on the basis of the questions and model answers so framed. This is for the reason that the screening/preliminary test was held on 22.3.2015. Had they found those questions to be defective making them incapable to deal with the questions, while writing the test, they could have, immediately, pointed out to the Registrar General of the High Court or any other competent authority in this regard. They, however, took a chance till the result



was published on 8.4.2015 and after model answers were uploaded on the website of the High Court on 4.5.2015. There is no pleading that even thereafter, these petitioners raised any objection as regards wrong framing of these questions. It was only after revised result was published by the High Court on 25.5.2015 that the petitioners, after having become unsuccessful, have challenged the revised result.

In such situation, thus, the petitioners cannot, in a proceeding under Article 226 of the Constitution of India, be permitted to do hair-splitting of the questions and model answers in order to take a plea that the questions/model answers were wrongly framed.

(ii) There is no specific pleading as regards any prejudice having caused to petitioners as discussed above, because of wrong framing of questions/wrong model answers as asserted by them, which adversely affected the evaluation of their actual performance in the screening/preliminary test. As the multiple-choice type question papers and model answers were available to them, they could have taken the plea, with reference to particular question or questions that they were awarded less marks or no marks, because of such discrepancy, adversely affecting their rights. Pleadings, in this regard,



in all writ applications, are general and vague in nature. In the absence of specific plea of real prejudice having been caused to the petitioners, their grievance to this effect is not sustainable.

(iii) In view of the Supreme Court's decision in the case of Mukesh Thakur (supra) and other judicial pronouncements as noted above, we are of the considered view that while exercising power of judicial review available under Article 226 of the Constitution of India, it is not permissible for this Court to take upon itself the task of Examiner/Selection Board and examine discrepancies and inconsistencies in the question paper and evaluation thereof, law to this effect has been laid down in most clear and unambiguous terms by the Supreme Court in the said decision, which was not brought to the notice of the Division Bench of this Court in case of Kumod Kumar (supra). (iv) No writ, in the nature of writ of mandamus, can be issued for lowering down the cut-off marks of screening/preliminary test in breach of the statutory prescription under sub-clause (iii) of Clause 5 of Rule 5 of the Bihar Superior Judicial Service Rules, 1951.”

18. The learned counsel appearing for the Board has vehemently submitted that pursuant to the objections submitted



by the appearing candidates, after the result was published on 22.9.2017, the Board had constituted a committee of subject experts, which had then examined the various objections received from the appearing candidates and had then submitted its recommendations to the respondent-Board along with the fresh model answer key. The said fresh model answer key received from the committee of experts was then uploaded on the website of the Respondent-Board for inviting objections thereon and a fresh communiqué vide advertisement no. 95 of 2017 was issued on 28.12.2017, inviting all the appearing candidates to file their objections against the revised model answer key, whereafter objections were received from the appearing candidates against the revised model answer key and the same were forwarded to the subject expert committee which had then given its recommendations and accordingly, the final result of BETET, 2017 was published on 6.3.2018.

19. At this juncture, it would be relevant to state that this Court had put a query to the learned senior counsel on the previous date of hearing as to whether the writ petitioners have filed any objections pursuant to the Advertisement No. 95 of 2017 dated 28.12.2017, in response whereof a supplementary affidavit dated 19.09.2018 has been filed but no specific



statement has been made in the said supplementary affidavit to the query of this Court as to whether any objection has been filed pursuant to Advertisement No. 95 of 2017 dated 28.12.2017. Nonetheless, the petitioners, though have stated to have filed some objections, no proof thereof has been filed, thus in nutshell, it would be deemed that no objection was filed by the petitioners pursuant to the Advertisement No. 95 of 2017 dated 28.12.2017. It is in this context that the learned counsel for the respondent Board has submitted that since the petitioners have failed to file any objection pursuant to the Advertisement No. 95 of 2017 dated 28.12.2017, they do not have any locus to make any further challenge to the examination process/results.

20. I have heard the learned senior counsel for the petitioners as also the learned counsel appearing for the respondent Bihar School Examination Board and I have also perused the materials on record.

21. Admittedly, the respondent-Board, upon preparation of the model answers by a team of subject experts, after the examination had been held, found that 28 questions were wrong as far as sets A, B, C and D of paper I and Paper II are concerned whereafter, all such wrong questions were deleted and the answer-sheets were evaluated and then the result was



published on 22.9.2017 by lowering down the full marks corresponding to the wrong questions, corresponding to the concerned paper. This Court further finds that the process at the level of the respondent-Board did not end here inasmuch as after publication of the result of the BETET, 2017 on 22.9.2017, further complaints were received with regard to the error in questions whereupon the Respondent-Board had again appointed a committee of subject experts to deal with the fresh objections received by the respondent-Board from the appearing candidates and thereafter, the committee, after examining the objections, had submitted its recommendations to the Board along with the revised model answer key, which was uploaded on the website of the Board, inviting fresh objections thereon, vide fresh communiqué contained in advertisement no. 95 of 2017 dated 28.12.2017, from all the appearing candidates with request to the candidates to file their objections against the revised model answer key and then the fresh objections received from the appearing candidates were forwarded to the subject experts committee which again looked into the objections and gave its recommendations and only thereafter, considering the report of the subject experts, the final result of BETET, 2017 was published on 6.3.2018. One important aspect to be noted



here is that the writ petitioners have failed to show that in pursuance to advertisement no. 95 of 2017, issued on 28.12.2017, the writ petitioners had filed fresh objections against the revised model answer key, hence, on this ground alone, the writ petition is fit to be dismissed inasmuch as non-submission of such objections clearly depict that the writ petitioners had no grievances against the revised model answer key. This Court, thus, finds that the Board has taken full care to delete the defective questions, which is in line with the mandate of law, as enunciated in the judgment rendered by the Hon'ble Apex Court in the case of Kanpur University (supra), as also by this Court in the case of Dhananjay Kumar Mishra and Ors. (supra), hence this Court does not find any infirmity in the process undertaken by the respondent Board to publish the final result dated 6.3.2018.

22. At this juncture, it would be relevant to also deal with the Division Bench judgment rendered in the case of Akshey Lal Pandit (supra), relied upon by the learned senior counsel for the petitioners, which first of all has been passed subject to the ultimate decision to be rendered by the Hon'ble Apex Court in the proceedings pending before it, which has not been placed before this Court and secondly the said judgment



has been passed considering the facts and circumstances of the said case and in the interest of justice without laying down any law, hence this Court is of the opinion that the said judgment would not have any force by way of precedent especially in light of the authoritative pronouncements by the Hon'ble Apex Court as also this Court, on the subject matter under consideration, in the case of Kanpur University & ors. (supra), Dhananjay Kumar Mishra & Ors. (supra) and Abdul Majid & Ors. (supra).

23. Now adverting to another issue sought to be contended by the Learned Senior Counsel for the petitioners regarding the mode and manner of the examination process, conducted by the respondent Board, being in teeth of the guidelines issued by the National Council for Teacher Education for conducting Teacher Eligibility Test, is required to be noted only for the purpose of being rejected inasmuch as firstly the said guidelines are on the very face of it not mandatory and moreover the said guidelines nowhere postulates that in case of a situation as has arisen in the present selection process in question, the mode required to be followed, as prescribed by the Hon'ble Apex Court in its various judgments, referred to herein above in the preceding paragraphs, for the purposes of



evaluation and declaration of results, should be given a go by or rather should not be followed.

24. Another aspect of the matter is that the Hon'ble Apex Court in the case of *Himachal Pradesh Public Service Commission vs. Mukesh Thakur & Anr., reported in 2010 (6) SCC 759* has held that if there is some discrepancy in framing the questions or evaluation of the answer, it would be for all the candidates appearing for the examination and not only for the writ petitioners. In this regard, it would be relevant to reproduce paragraph no. 19 of the judgment rendered by the Hon'ble Apex Court in the Mukesh Thakur's case (supra) herein below:-

“19. In view of the above, it was not permissible for the High Court to examine the question paper and answer sheets itself, particularly, when the Commission had assessed the inter-se merit of the candidates. If there was a discrepancy in framing the questions or evaluation of the answer, it could be for all the candidates appearing for the examination and not for respondent no. 1 only. It is a matter of chance that the High Court was examining the answer sheets relating to law. Had it been other subjects like physics, chemistry and mathematics, we are unable to



understand as to whether such a course could have been adopted by the High Court.”

24. Now, coming to the issue of the candidates whose candidature has been declared to be invalid on account of use of whitener / eraser etc., it is clear that the candidates were strictly instructed not to overwrite or use whitener vide the aforesaid advertisement contained in communiqué no. 63 of 2017 wherein under column 4, it has been categorically provided that use of pen or eraser in the OMR Sheet, folding of OMR sheet, tearing or application of whitener on OMR Sheet are totally prohibited. Under column 5 of the said advertisement, the candidates had been cautioned to literally follow the said instructions and in case, the OMR sheets are not properly filled up then the same would be rejected by the computer resulting in invalidation of their result for which the candidate shall be solely responsible.

25. This Court finds that since the candidates had been warned by issuing instructions by a communiqué contained in advertisement no. 63 of 2017 dated 13.7.2017, any disregard of the instructions contained therein is liable to result in invalidation of the candidature of such candidates using whitener, eraser, pin etc. In this regard, the judgment rendered



by a coordinate Bench of this Court dated 22.12.2017 passed in CWJC No. 16359 of 2017 (Brajesh Kumar & Ors. vs. The State of Bihar & Ors.), as also the judgment rendered by the Hon'ble Apex Court in the case of A.V. Natrajan & Ors. (supra) fully covers the said issue, hence, the candidature of the writ petitioners who have used whitener, eraser, pin etc. have rightly been invalidated by the Respondent-Board since they have violated the instructions given to them which in turn amounts to misconduct, hence such candidates are liable not to be selected. It would be unfair to the writ petitioners, if the judgment rendered by the Hon'ble Apex Court in the case of Hanuman Dutt Shukla & Others (supra), relied upon on their behalf by the learned Senior counsel appearing for them, is not dealt with. This Court finds that the said judgment, rendered in the case of Hanuman Dutt Shukla & Others (supra), is of no help to the writ petitioners inasmuch as firstly, the said judgment was based upon a concession made by the State and secondly, the said judgment specifically states that the same will not be treated as a precedent for any other case, meaning thereby that the said judgment rendered by the Hon'ble Apex Court cannot be used as a precedence, hence, shall not bind this Court.

26. Having regard to the facts and circumstances of



the case and for the reasons mentioned herein above, I do not find any merit in the present writ petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	AFR
CAV DATE	26.09.2018
Uploading Date	09.08.2019
Transmission Date	

