
(2006) 01 PAT CK 0031
In the Patna High Court
Case No : CWJC No. 11830 of 2005

Archana Kumari

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 20-01-2006

Acts Referred:

Citation : (2006) 1 PLJR 593

Hon'ble Judges : Mridula Mishra, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mridula Mishra, J.—Heard learned counsel for the petitioner and learned counsel for the Bihar School Examination Board. Petitioner appeared in the annual examination of Bihar School Examination Board but her result has not been published. This application has been filed for a direction to respondent-authorities of the Board, firstly, for correction of the name of the subject in which the petitioner appeared in the examination as a candidate and secondly, for publication of the result.

2. Petitioner's case is that she appeared in the Annual examination of 1999 of the Bihar School Examination Board as a regular candidate of High School Dindyalpur. She opted Home Science as extra optional subject and she appeared in the theory and practical papers of the subject. The Centre Superintendent-cum-Block Development Officer, Mairwa, Distt. Siwan has also issued certificate to this effect that the petitioner had appeared in the examination of Home Science theory and practical but in the tabulation register in the result column in place of the subject Home Science, Economics has been mentioned and petitioner has not been awarded any marks for practical examination. It has also been stated that petitioner represented her case before the Headmaster in the year 2002 and thereafter, representations have been filed repeatedly but nothing has been done. She has filed this application before this Court, for redressal of her grievance.

3. Counter-affidavit has been filed on behalf of respondent-Board wherein it has been admitted that in the tabulation register, in place of the subject Domestic Science, Economics was mentioned but that was corrected and marks has been awarded in Domestic Science in place of Economics. Petitioner secured 47 marks in theory paper of Domestic Science but no marks in the practical paper could be posted as she was declared absent in practical paper. Her result was kept pending because every student has to pass both in theory as well as practical papers. So far petitioner is concerned, she did not appear in practical paper of Domestic Science, which is proved from the fact that practical examination papers of all other students, who appeared in the same, have been sent from the school to the Board. So far the petitioner's case is concerned, she has been marked absent. Considering the fact that petitioner has not appeared in the practical paper of Domestic Science and it is mandatory that student has to pass in the practical paper also, finally, the result of the petitioner was published in which she was shown fail and her mark-sheet has also been sent to the Head-master of the concerned school, which has been annexed as Annexure-A. In support of the statement made in the counter-affidavit, original tabulation register of the year 1999 of annual examination has also been produced in the court and the statement made in the counter-affidavit has also corroborated by the tabulation register.

4. Considering that the petitioner has absented herself in the practical examination, she cannot be declared pass. So far the correction in the name of the subject is concerned, this has already been made by the Bihar School Examination Board which is apparent from the tabulation register. Similar correction has also been made in the mark-sheet of the petitioner, but because of petitioner's absence in the practical examination, she has not been awarded any marks in the practical examination; and rightly, she has been declared fail. Petitioner cannot claim for declaring herself to have passed in the examination and for publication of the result showing her pass. Prayer of the petitioner cannot be allowed. This application is, accordingly, dismissed.