



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2332 of 2025

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Dimpal Kumari Daughter of Narad Sah, Wife of Ramji Sah, Resident of Village- Maricha, P.O.- Mujan, P.S.- Mohaniyan, District- Kaimur (Bhabua), Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Human Resources, Government of Bihar, Patna.
2. The Chairman of Bihar Public Service Commission, at Bailey Road, Nehru Path-15, Patna-800001.
3. The Secretary, Bihar Public Service Commission at Bailey Road, Nehru Path-15, Patna-800001.
4. The Examination Controller, TRE-2, Bihar Public Service Commission, at Bailey Road, Nehru Path-15, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Adv.
For the Respondent/s : Mr. Government Pleader (17)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 03-08-2026

Heard Mr. Jitendra Kumar Giri, learned Advocate for the petitioner and the learned Advocate for the State as well as Bihar Public Service Commission.

2. The petitioner, one of the aspirant for the post of Teacher in Middle School, in relation to Teacher Recruitment Examination-2 under Advertisement No. 27/2023, has approached this Court seeking a direction upon the concerned respondents especially the respondent Bihar Public Service Commission to re-examine the answer sheet (OMR sheet) of the petitioner and issue a fresh mark sheet.





3. It is submitted that on being found eligible, the petitioner had duly submitted her application in Teachers Recruitment Examination, having Roll No. 375209. The petitioner appeared in the examination. However, after publication of result, upon evaluation of her OMR sheet, which was answered by the petitioner, she was expecting to have 68 marks, whereas she was given only 40 marks by the BPSC. Aggrieved, the petitioner has filed the present writ petition.

4. On the other hand, learned Advocate for the respondents refuting the contention, primarily on the ground that the petitioner has neither brought on record the advertisement, which contains any provisions for re-evaluation of the answer sheet, besides he failed to bring on record any letters/documents, which authorizes the petitioner to approach before the Commission for re-evaluation after publication of result, submits that the present application is devoid of any merit.

5. Having considered the submissions advanced by learned Advocate for the respective parties, the question which primarily required to be answered is as to whether a student can get his answer sheet re-evaluated in absence of any provision for the same.





6. The question posed before this Court has been answered by the Hon'ble Supreme Court on various occasion by a clear pronouncement that in absence of any provision under the statute or statutory rule/regulation, the Court should not generally direct the re-evaluation.

7. In the case of ***Ran Vijay Singh & Ors. Vs. State of Uttar Pradesh & Ors. 2018 volume 2 SCC 357***. The Court has ruled as follows:-

"30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

30.1. If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30.2. If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalisation" and only in rare or exceptional cases that a material error has been committed.

30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate-it has no expertise in the matter and academic matters are





best left to academics;

30.4. The court should presume the correctness of the key answers and proceed on that assumption; and

30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate."

(emphasis supplied)

8. Upon perusal of the aforesaid ruling and taking note of the fact that the petitioner has failed to bring on record the advertisement or any documents/letters/order, extending the liberty to the petitioner to get her answer-sheet/OMR revalued, in absence thereof, this Court is failed to pass any positive order, directing the Commission to get the OMR sheet of the petitioner revalued.

9. Accordingly, the present writ petition stands closed.

(Harish Kumar, J)

submit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2026.
Transmission Date	NA

