

(2008) 12 PAT CK 0017
In the Patna High Court
Case No : CWJC No. 4995 of 2008

Meena Khatoon

APPELLANT

Vs

The Bihar School Examination Board, Patna and Others

RESPONDENT

Date of Decision : 10-12-2008

Acts Referred:

Citation : (2009) 3 PLJR 633

Hon'ble Judges : Navaniti Pd. Singh, J

Bench : Single Bench

Advocate : Prashant Kashyap and Imtiaz Hussain, for the Appellant; Sunil Kumar Mandal, for the Respondent

Judgement

Navaniti Pd. Singh, J.—The petitioner Meena Khatoon has been fighting with the respondent-Bihar School Examination Board (hereinafter referred to as the Board) for declaration of her result in relation to Primary Teachers Training Course undergone by her. It is not in dispute that when the results of petitioner's was published it was shown that she was absent in the Hindi national language paper. She contended otherwise. She filed a writ application before this Court. The Centre Superintendent filed a counter affidavit. In the counter affidavit, he annexed a copy of his forwarding report, which is attached to the answer books, while being sent to the Board for evaluation and tabulation. A reference to the said would show that the said statement is to be prepared in four copies, one of which is to be retained by him. Board in its counter affidavit has stated that they did not find answer book of the petitioner or the attendance register and in absence, thereof, they could not rely on the forwarding by the Centre Superintendent or his affidavit. The writ application was disposed of with a direction to Board to do the same and pass an order. Virtually, the same order has been now repeated, which is under challenge.

2. Learned counsel for the petitioner submits that the report of the Centre Superintendent is an official report. The report specifically mentions that number of passing students nil. It further states that all 25 students present. This report

is prepared in four copies. One of which is sent to the Board with all the answer books. Board has chosen not to challenge this report or its existence. If that be so then the report must be taken to be a genuine report as available with the Board. Once it is accepted to be a genuine report then that is an evidence of petitioner's presence in the examination.

3. The writ application having being filed for declaration of result. Now, it is established that petitioner was present in the examination, what marks are to be awarded is the next question. In my view, the answer is simple. In absence of answer books or any other authoritative source, the petitioner would have to be given benefit of average marking. Consequentially, Annexure-8 refusing to declare the result of petitioner in the paper is set aside. The result will be published and marks-sheet supplied to the petitioner accordingly within a period of one month from today. With the above observations and directions, the writ application is disposed of.