

(2001) 07 PAT CK 0018
In the Patna High Court
Case No : C.WJ.C. No. 8320 of 2001

Umesh Chandra Vidyarthi

APPELLANT

Vs

The Bihar School Examination Board and Others

RESPONDENT

Date of Decision : 16-07-2001

Acts Referred:

Citation : (2001) 3 PLJR 591

Hon'ble Judges : Aftab Alam, J

Bench : Single Bench

Judgement

Aftab Alam, J.—The Petitioner's daughter (hereinafter referred to as the candidate) appeared in the Secondary Examination, 2001 held by the Bihar School Examination Board. In the admit card issued to her by the Board for appearing in the examination, her registration number was shown as 0721/045/05725/00, roll code as 7201 and the roll number as 293.

2. Her result was withheld and on enquiry it came to light that her result was cancelled as she wrote a wrong roll number in her answer book for the Hindi paper.

3. From the materials on record it appears undeniable that in her Hindi paper the candidate instead of writing her correct roll number 293 wrote 923 and this mistake on her part is being made the basis by the Board for cancelling her entire examination.

4. Though it is admitted by the Board that despite this error in the roll, number the candidate's answer book of Hindi was duly traced out, the authorities of the Board are not inclined to have that answer book evaluated and to declare the candidate's result. Thus the mistake by the candidate in writing her roll number in the Hindi answer book is costing her the result of the entire examination.

5. Mr. Krishna Murari, learned Counsel appearing for the Board pointed out that before the examination, the Board had published a communique under

advertisement No. 4/2001 for general information. In paragraph 3 of this communique the candidates were directed to write their correct roll number on the answer book with the clear warning that giving a wrong roll number may lead to the cancellation of the result. This direction and the warning is now being pointed out by the Board in support of its decision for cancelling the result of the candidate.

6. In my view the conditions stipulated in the communique requires to be applied reasonably in the facts of each case. It is perfectly understandable that the Board should impose such a condition as it has to deal with answer sheets of over 5 lacs candidates and if such mistakes are to be easily condoned the Board may find it impossible to conduct the examination. Such mistakes must not be committed by a candidate appearing in the Secondary Examination and if such a mistake is committed then the Board would be under no legal obligation to make a search for the answer book of me erring candidate so as to get the answer sheet with the wrong roll number evaluated and to declare the result of the erring candidate on that basis. If the candidate gives a wrong roll number in his or her answer sheet then he or she must face the consequence of cancellation of the result and he or she cannot claim as a matter of right that the Board should search out the answer sheet, get it evaluated and publish the result.

7. But in the case in hand the facts are slightly different. It is an admitted position that the answer book of the Petitioner has been traced out and it is very much available with the Board. It is not the case of the Board that the error was deliberate and was made with an ulterior motive to derive some unfair advantage. The admitted position is that the error was bonafide and due to inadvertence.

8. Under these circumstances it will be too harsh a penalty for the candidate to cancel her entire result, specially as her answer book of the Hindi paper has been traced out and is readily available with the Board.

9. In these facts and circumstances the Board is directed to have the Hindi answer book of the Petitioner duly evaluated and to declare her result within a month from the date of receipt/production of a copy of this order.

10. This writ petition stands disposed of with the aforesaid observations and directions.