

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7303 of 2020**

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1. Abdul Quddus Son of Md. Siddique Resident of Karhobna, Post Office- Chakai Hat, Police Station- Jokihat, District- Araria, Pin- 854329.
2. Md. Ishtiyaque Alam Son of Md. Kabir Uddin Resident of Singar Mohani Tola, Ajhwa Ward No. -11, Post Office and Police Station- Jokihat, District- Araria, Pin- 854329.
3. Md. Badrul Islam Son of Md. Abul Kalam Resident of Tharu Hat, Post Office- Budhnagra, Police Station- Bokhra, District- Sitamarhi, Pin- 843318.
4. Md. Arshad Ali Son of Md. Islamul Haque Shah Resident of -78, Andharathadi, ward No. 04, District- Madhubani.
5. Md. Hamid Raza Khan Son of Md. Ahmad Husain Khan Resident of Village- Chakwa, Ward No. 12, Post- Bairgania, Marpa Tahir, District- Sitamarhi, Pin- 843313.
6. Basheer Ahmad Son of Abdul Ahmad Resident of Village- Saidpur, P.O.- Parsa, P/S- Dariyapur, District- Saran, Pin- 841219.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Bihar School Examination Board Budh Marg, Fraser Road Area, Patna, Bihar, Pin- 800001 through its Chairman.
3. The Secretary Bihar School Examination Board, Budh Marg, Fraser Road Area, Patna, Bihar, Pin- 800001.
4. The Controller of Examination Bihar School Examination Board, Budh Marg, Fraser Road Area, Patna, Bihar, Pin- 800001.
5. The Enquiry Committee headed by Mr. Neel Kamal Chief Vigilance Officer, Bihar School Examination Board, Budh Marg, Fraser Road Area, Patna, Bihar, Pin- 800001.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s	:	Mr. Navendu Kumar, Advocate
For the B.S.E.B.	:	Mr. Gyan Shankar, Advocate
For the State	:	Mr. Kumar Kamal Nayan, AC to SC-28

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

4      08-03-2021

Heard learned counsel for the parties.

The petitioner has challenged the decision of



the Bihar School Examination Board cancelling the Secondary Teachers Eligibility Test, 2019 on account of use of unfair means.

Mr. Navendu Kumar, learned counsel for the petitioner would submit that Bihar School Examination Board took all steps to ensure fair examination, such as, prohibition of carrying mobile phones and electronic devices, using biometric attendance for preventing impersonation and use of jammers for preventing any kind of communications or copying at all the centres. However, the examination was cancelled by the Board on the report that at A.N.College, Patna Centre, there was rumour that question papers got leaked prior to commencement of the examination and the same was circulated through whatsapp.

Learned counsel for the petitioner submits that if any unfair means was noticed, it was noticed at A.N. College Centre that does not justify cancelling the entire examination.



The law in this regard is well settled and it has been discussed by the Apex Court in the case of *Inderpreet Singh Kahlon & Ors versus State of Punjab & Ors 2006-11-SCC-356* that if tainted and untainted can be segregated only then untainted can be saved but in the instant case, the question paper got leaked and circulated through whatsapp.

This Court does not find any infirmity in the decision of the Bihar School Examination Board.

The writ petition stands dismissed.

**(Anil Kumar Upadhyay, J)**

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