



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.516 of 2026

1. Arya Kumari, minor through her natural guardian and father Bhupesh Kumar Tripathi, aged about 47 years, male, son of Late Kavindra Nath Tripathi, R/o Village-Kazipur, P.O.-Dumri, P.S.-Simri, District-Buxar.
2. Prince Kumar, Minor, through his natural guardian and father Ajay Kumar Gupta, aged about 51 years, male, Son of Ramesh Prasad, resident of Afim Kothi, Majhuva, Arrah, P.S.-Awadhपुरi, District-Bhojpur, Pin-802301.
3. Sanjog Kumar Roy, minor, through his natural guardian and mother Lilavati Devi, aged about 49 years, female, wife of Hiralal Ray, R/o Village-Girija More, P.O.-Nawada Arrah, District-Bhojpur.
4. Neha Kumari, minor, through his natural guardian and father Sunil Prasad Kharwar, aged about 42 years, male, son of Mahendra Prasad Kharwar, Resident of Bhaluhipur, Chajangunj, Arrah, District-Bhojpur.
5. Sristi Kumari, minor, through her natural guardian and mother Sima Devi, aged about 39 years, female, Wife of Rajiv Kumar, resident of Maula Bagh, Gayatri Mandir, Arrah, District-Bhojpur.

... .. Petitioner/s

Versus

1. Bihar School Examination Board Sinha Library Road, Patna through Secretary.
2. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
3. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna.
4. The Examination Controller, Bihar School Examination Board, Sinha Library Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Adv.
For the Respondent/s	:	Mr. Satyabir Bharti, Sr. Adv.
		Mr. Abhishek Anand, Adv.
		Ms. Kanupriya, Adv.
		Ms. Aastha Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-02-2026 Heard Mr. Sunil Kumar Singh, learned Advocate for the petitioners and Mr. Satyabir Bharti, learned senior Advocate representing the Bihar School Examination Board (for short 'the BSEB').





2. The petitioners, through their natural guardians, have approached this Court aggrieved with their respective marks awarded to them in the Matriculation Examination–2025 conducted by the Bihar School Examination Board (BSEB). Despite having performed outstandingly well in the said examination, they have been awarded less marks in comparison to their performance. On being dissatisfied with the evaluation, they approached this Court seeking revaluation of their answer scripts by constituting an independent committee of academicians/teachers.

3. Mr. Satyabir Bharti, learned Senior Advocate for the BSEB, at the outset, refuted the contention and submits at the Bar, that in absence of any provision for revaluation of answer-books in the relevant rules, no candidate in an examination has got any right whatsoever to claim or ask for revaluation of his marks. The issue has been duly considered and set at rest by series of decisions, out of which two of them have been referred before this Court i.e. **Pramod Kumar Srivastava v. Chairman Bihar Public Service Commission, Patna & Ors. [(2004) 6 SCC 714]** and further **Dr. NTR University of Health Sciences v. Dr. Yerra Trinadh & Ors. [(2022) 18 SCC 716]**.





4. Heard the learned Advocate for the respective parties and carefully gone through the rulings of the Apex Court, where the Court has made it clear that in absence of specific provision conferring a right upon an examinee to have his answer books re-evaluated no such direction can be issued. It would be worth benefitting to encapsulate para-7 of the decision rendered in the case of **Pramod Kumar Srivastava** (supra).

“7. We have heard the appellant (writ petitioner) in person and learned counsel for the respondents at considerable length. The main question which arises for consideration is whether the learned Single Judge was justified in directing re-evaluation of the answer-book of the appellant in General Science paper. Under the relevant rules of the Commission, there is no provision wherein a candidate may be entitled to ask for re-evaluation of his answer-book. There is a provision for scrutiny only wherein the answer-books are seen for the purpose of checking whether all the answers given by a candidate have been examined and whether there has been any mistake in the totalling of marks of each question and noting them correctly on the first cover page of the answer-book. There is no dispute that after scrutiny no mistake was found in the marks awarded to the appellant in the General Science





paper. In the absence of any provision for re-evaluation of answer-books in the relevant rules, no candidate in an examination has got any right whatsoever to claim or ask for re-evaluation of his marks. This question was examined in considerable detail in *Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth* [(1984) 4 SCC 27: AIR 1984 SC 1543]. In this case, the relevant rules provided for verification (scrutiny of marks) on an application made to that effect by a candidate. Some of the students filed writ petitions praying that they may be allowed to inspect the answer-books and the Board be directed to conduct re-evaluation of such of the answer-books as the petitioners may demand after inspection. The High Court held that the rule providing for verification of marks gave an implied power to the examinees to demand a disclosure and inspection and also to seek re-evaluation of the answer-books. The judgment of the High Court was set aside and it was held that in absence of a specific provision conferring a right upon an examinee to have his answer-books re-evaluated, no such direction can be issued. There is no dispute that under the relevant rule of the Commission there is no provision entitling a candidate to have his answer-books re-evaluated. In such a situation, the prayer made by the appellant in the writ petition was wholly untenable and the learned Single Judge had





clearly erred in having the answer-book of the appellant re-evaluated.”

5. Further, in **Dr. Yerra Trinadh** (supra), the Hon’ble Supreme Court reiterating the afore-noted observations as also considering the catena of decisions on the point has held and disapproved the practice of calling for answer scripts/answer sheets and thereafter to order re-evaluation, that too in absence of any specific provision in the relevant rules for re-evaluation, while exercising powers under Article 226 of the Constitution of India.

6. Coming to the case at hand, the petitioner has failed to satisfy this Court that there is any rules or regulation for re-evaluation of the answer scripts/ answer sheets. Hence, in such circumstances, no candidate in an examination has got any right whatsoever to claim or ask for re-evaluation of his marks.

7. In view of the afore-noted settled legal position, this Court finds no ground to entertain the present writ petition. Accordingly, the writ petition stands dismissed.

(Harish Kumar, J)

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