

Submissions to be made before the Hon'ble Supreme Court of India on 15-10-2020 in response to the S.L.P. (C) Dairy No.-201216/2020 filed by Grassroot Empowerment and Development by Youth Vs. State of Bihar & Others.

1. That Bihar Board of Open Schooling & Examination (BBOSE), Patna was established by an executive order of Govt. of Bihar in 2011, with the mandate of **"Reaching the Unreached"** in terms of Education and Skill Development, with a special focus on poor and marginalized society who are out of the main stream of Education and Skill Development. It is an Open and Distance Learning Institution at the school level which is **"Learner Centric"** and provides flexibility to the learners in terms of time, place, pace and ability to learn. The initial admission of the students is valid for five years during which to learner get 9 chances to appear in Public Examination to pass all the subjects chosen by him. Public Examinations are held twice a year and student has the freedom to appear in any number of subjects spread over five years and nine examinations. The learners of this system and the system itself is inherently Different and Distinct from the Formal Learning Systems such as CBSE, BSEB, ICSE, etc. and is designed specifically for the State of Bihar.
2. That due to the pandemic of Covid-19 pandemic the Education System and Examination process has been severely affected in 2020 at international, national and state level. Most of the universities and school level examination boards were forced to either postpone the prior schedule examinations to a later day or device ways and means to promote students without holding examinations.
3. That Govt. of Bihar and the Board has kept a very careful eye on the impact of Covid-19 pandemic on school education and examination system and subsequent guidelines issued by the Govt. of India and the State Govt. for relaxation of restrictions imposed in the wake of Covid-19.
4. That the Govt. of Bihar through Department of Education and BBOSE took a policy decision, based on the overall situation and its assessment,

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that the examination to be held by the Board in the month of June, 2020 can only be held in October, 2020 at the earliest in spite of the best possible efforts. Board after taking emergency measures was able to reduce the time taken for declaration of results and decided to declare results before 20th November, 2020.

5. That before the commencement of examination from 3rd October, 2020 a PIL was filed by the above mentioned NGO in the Hon'ble High Court of Patna on 21-09-2020.
6. That Hon'ble High Court of Patna passed the final order on this PIL on 28-09-2020, based on the affidavit filed by the Chief Secretary of Bihar. The Hon'ble High Court was of the view that the Department of Education and the Board have taken effective steps, to redress the grievances of the petitioners and disposed the PIL. It is also notable that the plea of the petitioner, stating that BBOSE should also pass all its students, based upon some sort of internal assessment/Tutor Marked Assignment (TMA), without holding Public Examination, as was done by other Open and Distance Learning Boards (NIOS, State Open School of Telangana etc.) was not found to be feasible as the system of TMA has been discontinued by this Board from the early days of its inception in 2011-12. There has been no mechanism of contacting the students of this Board in view of the ongoing pandemic situation. Therefore the Board and the Govt. of Bihar took a considered policy decision that BBOSE was not in a position to follow the other Boards in this regard.
7. That the stance taken by the Govt. of Bihar and the Board remains the same, as was taken by them, before the Hon'ble High Court of Patna.
8. That the stance taken by the respondents before the Hon'ble High Court of Patna is a policy decision taken by the Govt. of Bihar and the Board which cannot be challenged by the petitioners by the way of PIL.
9. That the petitioners are now claiming that the declaration of results of examination before 20th November, 2020 by the Board, will jeopardize their educational career, as the last date for counseling /admission to

the Higher Education Institutions for many of them is 31st of October, 2020.

10. That in view of the above Board has again reviewed its ongoing examination and evaluation process. It is stated that the Board Examinations have commenced from 3rd October, 2020 and the examination for the last theory paper will be held on 17th October, 2020 followed by five days for conduction of practical examinations. It is also stated that the examination for important subjects, at Sr. Secondary level, which are required for seeking admissions into higher educational institutions (Primarily Technical Education like Engineering, MBBS etc.) has already been held and the evaluation process is in an advanced stage.
11. That the Board has decided, that it will take emergent measures and ensure that evaluation and declaration of results, of all those students who are in need of it, for getting admission into Higher Educational Institutions by 31st October, 2020, will be done by 28th October, 2020. The results will be displayed on the website of the Board which can be thereafter downloaded by the students for admission/counseling purposes, whose last date is stated to be 31st October, 2020.
12. That the Board has designed an online Special Evaluation Form, for all those students of this Board,
 - (a) Who have appeared in the current examination sessions (3rd October – 22nd October, 2020).
 - (b) Who require the results of this examination before 31st October, 2020, for the purpose of counseling/admission, into higher educational institutions.
 - (c) The above category of students will have to fill up Special Evaluation Form, already available on the website of this Board and it will have **to be necessarily submitted online, by 9 pm. on 16th October, 2020 (Server Time).**

- (d) Based upon the online receipt of Special Evaluation Forms, the Board will declare their results at the earliest, and latest by 28th October, 2020.
- (e) The benefit of special evaluation for early declaration of results will also be extended to all those (seven) whose names have been mentioned in the SLP (at Page No.-8), provided they meet the above mentioned criteria and fill up special evaluation form on time.
13. That the Board has also decided to prepone the declaration of results from earlier date of 20th November to 7th November, 2020, for the remaining category of students. (Excluding the category defined in Para No.-12 above).
14. That the Board had already made one time, temporary arrangements (in view of Covid-19 based delay in exam) for holding of On Demand Examination, in view of the directions of the Hon'ble High Court of Patna, under which any eligible examinee of this Board, for the current examination sessions, could have appeared for Special Exam at the designated Special Examination Centre at Chanakya National Law University, Patna, on a date fixed on his request. The arrangements were also made for special evaluation and declaration of result within 3-4 days of holding On Demand Examination. **However this arrangement may not be required now, in view of the submissions made at Para-12 & 13.**


(Manoj Kumar Verma) 19/10/2020
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