

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34410 of 2012

- =====
1. Satya Narayan Jha son of Murlidhar Jha, resident of village-Milanpally, P.S. and District-Kishanganj Director Oriental Public School, Kishanganj.
 2. Saryu Mishra, son of Late Rambodh Mishra, resident of village-Dilawarganj, P.S. and District- Kishanganj, Principal, Oriental Public School, Kishanganj.

.... Petitioner/s

Versus

1. State of Bihar &
2. Chandrashekhar Prasad Sharma, son of Ekadash Prasad Sharma, resident of village-Chero, P.S. Sarmera, District-Nalanda at present posted as District Programme Officer, Establishment, Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh, Senior Advocate.

For the Opposite Party/s : Mr. Smt.Renuka Ratnakar (App

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

3 09-03-2015 Sri Rana Pratap Singh, learned senior counsel appearing on behalf of the petitioners informs the Court that petitioner no.1 Satya Narayan Jha is now dead. His name is, thus, struck off from the record. The petition survives only on behalf of petitioner no.2 Saryu Mishra.

The short facts leading to the filing of the present petition may be noticed.

Oriental Public School, Tegharia, Kishanganj was found holding examinations supposedly under the aegis of the Central Board of Secondary Education (CBSE) and it was found by the informant who was the District Programme Officer (Establishment), Kishanganj that students of Mohani Devi



Memorial School, Araria (R.S.), Araria Public School, Araria and Bright Career School, Araria were appearing at the examinations which were held in the seven rooms of the upper floor of the building of the school. It was found out that the Oriental Public School, Tegharia, Kishanganj was not an affiliated unit of the CBSE, nor the pupil of the three schools, who were found appearing at the examination in science paper on the date of occurrence, had been affiliated to the CBSE.

During the search of the premises, the office of the Oriental Public School, Tegharia, Kishanganj was found possessing the seals of three schools of blank certificates of the three schools and on enquiry those findings were not controverted. While holding the enquiry, the informant had questioned one Shyamnandan Thakur who has been described in the FIR as a senior teacher of Oriental Public School, Tegharia, Kishanganj and he admitted that there was no CBSE affiliation either to his own institution or to the institutions the students of which were appearing at the examination.

The search of the premises and seizure of articles respectively were valid and made in presence of responsible officers of the execution as detailed in paragraph-4 of the written report.



It appears that after bringing the investigation to finality, the police submitted chargesheet not sending up two persons, namely, Rima Saran and Gautam Sinha as no material appeared against them during investigation. The learned Magistrate after perusing the police report and the connected documents submitted by the police found that there was no sufficient material in the case diary to summon accused persons, namely, Rima Saran and Gautam Sinha, but found materials sufficient to summon six accused persons including the deceased petitioner Satya Narayan Jha and the present petitioner Saryu Mishra.

During the course of argument, it was not disputed that the institution, i.e., the Oriental Public School, Tegharia, Kishanganj was not affiliated to the CBSE nor the three schools, pupils of which were appearing at the science examination, were affiliated to the CBSE. Prima facie the material was sufficient on account of the seizure of different documents from the premises and offices of the school, indicating that forgery had been committed and fake examinations had been arranged so as to creating false records by forging them so as to distribute certificates of passing at the CBSE examination.

On perusing the materials what I find is that the learned

Magistrate had applied his mind to the facts of the case and had then formed his opinion as regards the sufficiency of grounds for proceeding against the accused persons and there is no justification for this Court to interfere with that order.

In the result, the petition fails and the same is dismissed. If any order of stay had been granted by the court, the same shall stand vacated.

(Dharnidhar Jha, J)

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