

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1310 of 2014

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1. Pushpa Kumari Wife Of Alok Kumar Singh Resident Of Village -
Hansdiha (Hathgarh), Block Saraiyahat, P.S. Hansdiha, District - Dumka (Jharkhand)

.... Petitioner/s

Versus

1. The Chairman, Bihar School Examination Board Patna - 17
2. The Secretary, Bihar School Examination Board Patna - 17
3. Deputy Secretary (Vigilence), Bihar School Examination Board Patna - 17

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Das No.- 2

For the Respondent Board : Mr. Piyush Lall

For the State : Mr. Purnendu Singh.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

7 11-03-2015

Heard the parties.

Petitioner was a regular student of B.D. Kapri High School, Khajuri in the district of Banka. She filled up form in the year 1991 to appear in the matriculation examination scheduled to be held in the month of April, 1992. Her application was duly processed by the headmaster of the school which was forwarded to the Bihar school Examination Board. The Board after verification issued identity letter no. B-262838 as well as an admit card bearing roll code no. 3303 with roll no. 0447. On the basis of the above, petitioner appeared in the matriculation examination and passed in 2nd division. A certificate and mark sheet thereafter has been issued in her favour. The same is

Annexure 1 series and Annexure 2.

Somewhere down the line after almost two decades of passing of matriculation examination, petitioner was picked up for appointment on the post of Aangan Bari Sevika. The respondent authorities of the State of Jharkhand sent a letter to the Bihar School Examination Board for verification of authenticity of the matriculation certificate furnished by the petitioner. The Bihar School Examination Board to the shock and horror of the petitioner issued a letter dated 18.11.2013 under the signature of Deputy Secretary Vigilance, which is Annexure 5 to the writ application cancelling her candidature whose quashing the petitioner wants.

The candidature of the petitioner has been cancelled on the ground that because of clerical mistake or omission the code 1992(A) was never used for the examination. This formed the basis of cancellation of candidature of the petitioner, nullifying even the mark sheet and the matriculation certificate issued to the petitioner way back in the year 1992.

Examination Board was directed to file a counter affidavit which they have. In the counter affidavit they try to justify the decision on the ground that the roll code no.3303 was never used for the examination and in the same roll code the name

of another candidate is shown up. That was a technical reason for the respondent authorities to cancel the candidature of the petitioner vide communication contained in Annexure 5.

Counsel for the petitioner is correct in taking a stand that such a decision having serious consequence for the petitioner has been taken unilaterally without even offering opportunity before annulling the candidature of the petitioner after more than two decades. That there is adequate evidence on record to show that the petitioner was a bona fide student who was pursuing regular studies in a recognized school and her form and fee were forwarded to Examination Board which issued her admit card to sit in the examination. Her participation in the examination is not in dispute nor is the authenticity of the mark sheet and the matriculation certificate issued by the Examination Board. If this be, then mere guess work may not be enough to annul the candidature of the petitioner, that too unilaterally without giving any opportunity of hearing to her.

There is no presumption in law that there could not be a clerical mistake committed by the Examination Board in issuing the admit card to the petitioner because the track field record of the Examination Board in the decade and era has also not been above board.

All told therefore, the unilateral decision of the Examination Board in Annexure 5 would be required to be quashed and is quashed.

Till the mark sheet and the certificate of examination issued to the petitioner is not recalled or cancelled, the authenticity thereof cannot be questioned merely on the grounds stated in Annexure 5.

Writ application is allowed in terms of the above.

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(Ajay Kumar Tripathi, J)

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