

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6543 of 2008

Vijay Kumar Choudhary, Son Late Bhuvneshwar Chaudhary, Resident of Village –
Bachhwara, P.S. – Bachhwara, District – Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna
2. The Principal Secretary, Department of Education & Training, Government of Bihar, Patna
3. The Bihar School Examination Board, through its Secretary, Bihar, Patna-17
4. The Secretary, Bihar School Examination Board, Patna
5. The Principal, Tirhut College of Physical Education, Muzaffarpur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. ANIL KUMAR
For the Respondent/s : Mr. Sunil Kumar Mandal
For the NCTE: Mr. S. N. Pathak

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 20-07-2015

20.07.2015

None for the petitioner.

Counsel for the Examination Board, however,
is present. Even earlier matter was adjourned in
absence of the counsel for the petitioner.

Writ application has been filed for a direction
upon the respondent-Bihar School Examination Board to
issue a certificate of teachers training course (physical)
since he claims that he passed the said examination as
a regular student from Tirhut College Of Physical
Education, Muzaffarpur held in the year 1982. Petitioner
is aggrieved by the inaction on the part of the

respondents, so that the writ application.

A counter affidavit has been filed on behalf of the Bihar School Examination Board after due service upon the petitioner's counsel. Stand has been taken in the counter affidavit that on verification of records it is evident that the petitioner has tried to obtain a direction on some kind of manipulated or obtained mark-sheet, which does not tally with the records maintained by the Examination Board as would be evident from reading of paragraphs 8 and 9 of the counter affidavit. They seriously deny the authenticity of Annexure-1. The so called mark-sheet annexed by the petitioner.

The other serious aspect or objection is that such a writ application has been filed after 25 years of so called passing of the examination. No bona fide candidate would have slept over this issue for such a long time. Obviously, he was under the impression that the longer the period elapses between the conduct of examination undertaken by him, better are the chances that the respondent-authorities may not be in a position to seriously dispute the fact as chances of record getting lost or misplaced is better.

Such stale claims are not bona fide and are not required to be entertained.



Writ application is dismissed, especially when there is no rebuttal to the stand taken by the Examination Board.

(Ajay Kumar Tripathi, J.)

