

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20433 of 2013

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1. Smt. Kusum Devi Yadav Wife Of Mahesh Prasad Yadav Resident Of Village
Balthar, District West-Champaran, Bihar

.... Petitioner/s

Versus

1. The Secretary Bihar Sanskrit Shiksha Board, Boring Canal Road, Patna
2. The Examination Controller, Bihar Sanskrit Board, Patna, Boring Canal Road,
Patna- 1

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SHYAM SUNDER PANDEY

For the Respondent/s : Mr. SATYAM SHIVAM SUNDARAM

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-09-2015

01.09.2015

Heard learned counsel for the parties.

Petitioner happens to be wife of one Mahesh Prasad Yadav. She has filed the writ application, seeking a direction upon the Sanskrit Shiksha Board that they should issue a fresh mark-sheet and certificate showing passing Madhyama Examination in which the petitioner's husband was an examinee. The examination was held in the year 1982. He is supposed to have passed the said examination in 2nd division, having Roll Code No. 19 and Roll No. 117. The school in question is Ram Bhawan Sanskrit Uchcha Vidyalaya, Sitamarhi.

On a question being put as to why the husband is not applicant, the reason indicated in

paragraph 3 is that he is residing in Nepal and is undergoing treatment, as he is quite unwell. Therefore, he has “empowered” his wife to file the present writ application.

Despite the long delay since the husband of the petitioner participated and the cause of action, the writ court directed the respondent-Sanskrit Shiksha Board to file a counter affidavit, which they have done.

In paragraph 5 they categorically state that the details which are available on the tabulation register indicates the name of one Sunita Kumari having the same roll code and roll no. Name of the petitioner does not figure in the said RTR (Reserved Tabulation Register).

If the records do not match with the claim of the petitioner with regard to the participation of the husband, in the said examination, on the basis of the assertion and declaration she cannot beget any relief. One has to go by the records available with the body which had conducted the examination and if their records do not reflect the name of Mahesh Prasad Yadav with the roll no. and the roll code, there cannot be any direction for providing the mark-sheet or the certificate of having passed Madhyama Examination.



Counsel for the petitioner relies on a decision of the Hon'ble Apex Court, rendered in the case of **Abhay Kumar Singh & Others Versus State of Bihar & Others, reported in 2014 (4) PLJR SC 235**. Reliance is on paragraph 12 of the said decision. The Court having gone through the fact as well as issue decided therein fails to appreciate as to how the ratio of the said decision helps and assists the petitioner in begetting the relief. If the official records do not reflect the name of the husband of the petitioner to be the examinee, the said decision has no applicability to the present set of facts.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J.)

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