

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12764 of 2013

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Sudha Kumari D/o Harekrishna Prasad Singh, wife of Sri Arvind Kumar, resident of Village - Patan Bigha, Police Station - Islampur, District - Nalanda, presently residing at Village - Bhane Bigha, P.S. Makhdumpur, District - Jehanabad

.... Petitioner/s

Versus

1. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
2. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
3. The State of Bihar through District Magistrate, Nalanda.
4. The District Education Officer, Nalanda.
5. The Headmaster, Baidic Sahitya Sanskrit High School, Attasarai, Islampur, Nalanda.
6. The Headmaster, Nari Gyan Bharti, Sanskrit High School, Bhartigram, Nalanda.
7. Sarita Kumari, wife of Sunil Kumar, R/o Village – Bhane Bigha, Ward No.3, Nagar Panchayat Makhdumpur, District – Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh
Mr. Umesh Kumar

For the Respondent State: Mr. Rajeev Kumar Singh, GP 2

For Sanskrit Shiksha Board: Mr. S. S. Sundaram

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-10-2015

Petitioner has filed writ application for quashing Anneuxre-4 dated 23.11.2012, by virtue of which petitioner has been informed that the respondent Sanskrit Shiksha Board cannot issue any original certificate as the records of the Sanskrit Shiksha Board do not indicate the name of the petitioner against Code No. 64, Roll No.127 for the year 2000. The alternative plea is that the mark-sheet issued for the Madhyama Examination against Roll No. 127, Code No. 64, in favour of one Kumari Shalinta Suman, should be quashed as it

belongs to the petitioner and an enquiry should also be held for the irregularity committed by the Board in issuance of a fake mark-sheet and a certificate to respondent No.7.

2. Petitioner has taken a plea in the writ application that she got enrolled as a student of Madhyama in Vaidic Sahitya High School, Attasarai, under Islampur Block, in the district of Nalanda. She was enrolled for sitting in the examination in the year 2000. She was issued admit card along with her sister Shobha Kumari. It is her averment that she did sit for the examination. The centre for the said examination was said to be K S T College, Sohsarai. She appeared along with her sister. Her result was published and petitioner was declared successful with 1st division. She received provisional certificate and mark-sheet from the school concerned, which has been annexed as Annexure-2 series.

3. When an advertisement was published in the year 2012 for selection on the post of Anganwari Sevika for Ward No.3 at Village Bhane Bigha in Nagar Panchayat Makhdumpur at Jehanabad, petitioner applied and was placed at serial No.1. She was sent for training and also joined as Anganwari Sevika. While she was working she came to know that respondent No.7, who was placed at serial No.2, obtained the mark-sheet of the petitioner in her name and made a complaint to the District Programme Officer, Jehanabad, as well as

the District Magistrate, Jehanabad, against the petitioner. Petitioner applied for issuance of original certificate but the Board kept mum. Thereafter she made an RTI application, which has now been rejected vide Anneuxre-4 series.

4. Many a things have been urged in the writ application to show as to how the mischief is at the door-step of Bihar Sanskrit Shiksha Board.

5. Bihar Sanskrit Shiksha Board was directed to file a counter affidavit. In the counter affidavit the Board takes a plea in para 5 that on 9.7.2012 petitioner made an application for correction of her name in the mark-sheet. Certain details were demonstrated. The Board verified the position and on verification of the Reserve Tabulation Register the following position emerges as would be evident from Para 8, 9 and 10 of the counter affidavit which are reproduced herein below:

“8. That it is further stated that the claim of the petitioner was examined by the Board comparing her details with the original records of the Board and then it was surfaced that on code 64 & roll 127, name of one Sahrenlata Suman was found to be entered in Reserved Tabulation Register in print with following details:-

Name of Student	Sahnenlata Suman
Father's name	Sri Suresh Prasad
D.O.B.	15.10.1982
Reg. No.	483/2000
Code	64
Roll No	127
Year	2000
School Name	Nari Gyan Bharti Sanskrit High School, Bharti Gram, Nalanda.
Centre Name	K. S. T. College Sohsarai Nalanda.

9. That it is further stated that similar entry was found in General Tabulation Register and accordingly the application of the petitioner for issuance of original certificate was rejected vide letter No.3314 dated 23.11.2012.

The photo copy of letter No.3314 dated 23.11.2012 is annexed hereto and marked as Annexure-D to this Counter -Affidavit.

10. That it would not be out of place to mention here that the name of one Sobha Kumari stated to be the twin sister of the petitioner is figured in both Tabulation Register with following details:-

Name of Student	Sobha Kumari
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Father's name	Sri Hare Krishna Prasad
D.O.B.	15.05.1984
Reg. No.	1028/2000
Year	2000
Roll No.	128
School Name	Nari Gyan Bharti Sanskrit High School, Bharti Gram, Nalanda.

6. Counsel for the petitioner thereafter insisted that there is a deliberate effort being made by the Sanskrit Shiksha Board to mislead the Court on wrong facts. A rejoinder has also been filed rebutting such position.

7. The Court therefore directed the counsel representing the Sanskrit Shiksha Board to produce the original register from where entries could be verified. The original register for the year 2000 was produced before the Court. The relevant entries were shown not only to the Court but even to the counsel for the petitioner on which counsel for the petitioner reacted in a very unprofessional and unbecoming manner. He tried to hurl all kinds of accusation against the Board and the counsel on record. Obviously, it was a reaction against being cornered on false pleadings and assertions, which were made in the writ application to beget a relief.

8. The Court after having verified the register does opine

that the register is authentic. The entries have been made in a sequence. There is neither any cutting, over-writing or insertion of any kind and that the stand of the Board reflected in para 8, 9 and 10 of the counter affidavit is corroborated thorough and through.

9. If this is the position then obviously the petitioner has tried to use a forged or fabricated Xerox copy of admit card or a mark-sheet to beget a mark-sheet which is not available to her. In fact, looking at the admit card and the over-writing therein could be an indicator that there is deliberate effort of interpolation made by the petitioner or on her behalf. Her sister was a candidate in the said examination and based on the documents of her sister, certain interpolations have been made and writ application filed by making all kinds of allegations against the Sanskrit Shiksha Board. Such conduct of the petitioner is therefore condemnable and the petitioner does not deserve any benefit or relief in view of such controversial facts and circumstances.

10. Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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