

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.326 of 2014

Arising Out of PS.Case No. -115 Year- 2011 Thana -null District- SARAN

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Chandan Kumar Yadav @ Chandan Kumar son of Jaylal Yadav, resident of village Natwar Birbal, P.S. Manjhi, District Saran, represented through his father Jaylal Yadav, son of Kripal Yadav, resident of village Natwar Birbal, P.S. Manjhi, District Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Secretary, Bihar School Examination Board, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghwanand, Advocate

For the Respondent/s : Mr. Ram Sewak Choudhary, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 15-09-2015

Heard learned Counsel for the Petitioner, Informant and the Bihar School Examination Board, who does not challenge the issuance of the certificate.

The Petitioner seeks revision of the order dated 16.9.2013, by which the Sessions Judge, Saran at Chapra has directed the Juvenile Justice Board, Saran to get the age ascertained by the Medical Board vide Criminal Appeal No.125 of 2012 arising out of Manjhi P.S. case No.115 of 2011.

The background facts are that initially on the basis of matriculation certificate the Juvenile Justice Board declared the Petitioner juvenile. The authenticity of the certificate was challenged by the Informant on the ground that the Headmaster of the School, where the Petitioner is said to have first attended, had stated that he

did not find the name of the Petitioner entered in the records. However, the Juvenile Justice Board did not accept the prayer of the Informant. So he filed Criminal Appeal, which was allowed to the extent that the Juvenile Justice Board has been directed to hold a medical assessment in respect to the age of the Petitioner in view of the controversial two certificates with which he is aggrieved.

Counsel for the Petitioner relies upon a decision reported in AIR 2013 Supreme Court 3467 paragraph 20 (Jarnail Singh v. State of Haryana), wherein it has been held that the matriculation certificate should over ride other materials and is conclusive proof. It is only in absence of such certificate other documents can be looked into.

I am unable to apply the said principles on the facts of the present case since there is a controversy with regard to authenticity of the matriculation certificate of the Petitioner.

Hence, finding no merit in the application, the same is dismissed with a direction to the Juvenile Justice Board, Saran at Chapra to conclude the enquiry in regard to age of the Petitioner within a period of three months from the date of receipt of this order.

(Anjana Prakash, J)

Narendra/-

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