

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5156 of 2013

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Vasisth Bharti Son Of Late Vikram Roy Resident Of Village- Turki, P.S.- Kudhani,
District- Muzaffarpur

.... Petitioner

Versus

1. The Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur Through Its Registrar
2. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur
3. The Registrar, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur
4. The Principal, Government Teacher'S Training College, Turki, Muzaffarpur
5. The Principal Secretary, Department Of Education, Government Of Bihar, Patna
6. The Director, Research And Training, Department Of Education, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner	:	M/s Amrit Abhijat, Upendra Yadav, Advocates
For the State	:	M/s Kinkar Kumar, SC 27 Mahboob Akhtar, AC to SC 27
For the B.R.A. Bihar University	:	Mr. Dhurb Mukherjee, Sr. Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 16-05-2016

Heard parties and perused the records of this case.

Petitioner seeks quashing of Annexure 4 dated 12.1.2012 which is an office order issued by the Principal, Government Teachers' Training College, Turki, Muzaffarpur by which the admission taken for B.Ed. course of 2009-2010 session of three persons including the petitioner have been cancelled and direction has been given to take legal action against them.

The petitioner claims that he had applied for the



aforesaid B.Ed. course pursuant to the Advertisement No. 570 (Education) 09-10 issued by the Human Resources Development Department, Government of Bihar on 7.12.2009. The college administration had informed the petitioner vide Annexure 3 dated 25.1.2011 that he was selected for admission. Thereafter, the petitioner took admission and was pursuing the course regularly and completed the course also. However it is claimed that at the end of the academic session, he was served with the impugned order dated 12.1.2012 informing that information supplied by him vide affidavit dated 9.2.2011 was wrong as he had been shown to have achieved lesser marks and, as such, the admission was cancelled. It is also stated that legal action would be taken against him.

The petitioner claimed that he had duly submitted all the certificates along with affidavit as contained in Annexure 5. He claimed that Annexure 1 is the form filled up by him in which he had disclosed his marks to only 396 out of 800 in the subject of Economics (Hons.). He has also stated that his percentage is 49.5 % and in fact the University has also affirmed the same. The petitioner claims to have shown original certificate at the time of admission but the receipt of original certificate has not been issued but the same was subsequently issued in the year 2011.

In the counter affidavit filed on behalf of respondent



no. 4, i.e., Principal, Government Teachers' Training College, Turki, Muzaffarpur, it is stated that the petitioner submitted his form showing his marks 644 out of 800 i.e., 80.50% of total marks. It is contended that, along with the form, the self attested copy of the mark sheet was also submitted which disclosed that petitioner has got 644 marks. However, the matter was sent for verification to B.R.A. Bihar University which has sent a report that the petitioner has got only 396 marks.

However, since the petitioner insisted that he had submitted correct mark sheet and he was being penalised for certain other reason, this Court had directed respondent no. 4 to produce original records of the documents of the petitioner which were submitted by him and Xerox copy of which has been appended in the counter affidavit filed by the college. But, surprisingly, affidavits have been filed that the records have gone missing and for which first information report has been lodged.

However, all the registers with respect to such admission have been produced by the college which clearly goes to show that his admission was taken considering the marks of the petitioner to be 644 out of 800 in Economics (Hons.). It is also apparent from the records that had marks of the petitioner been considered to be 396, he could not have been admitted in the course

at all.

Learned counsel for the petitioner, however, insists that error, if any, has been committed by the college administration and not by the petitioner, therefore, he should not be penalized.

I do not find force in the submission made on behalf of petitioner. After perusal of entire original documents of admission of the backward class for the B.Ed. course produced before this Court, it appears that the petitioner's admission was taken considering 644 marks and Xerox copy of the petitioner's form has been appended along with self attested mark sheet by the respondent no. 4 along with the counter affidavit showing 644 marks out of 800. It means that when the counter affidavit was filed, since the Xerox copy was obtained, the original records were intact but when that issue emerged before this Court and, this Court had directed to produce original records of the petitioner, mysteriously the petitioner's original application vanished from the records. All the aforesaid facts and circumstances indicate towards some forgery having been played in which hand of some employees of college administration must also be there. This is further admitted fact that had the petitioner's marks been considered to be 396 out of 800, in no manner he could have been admitted to the course in the reserved category of the backward class. Having held so, I do not find any

merit in the case of the petitioner.

Accordingly, this application is dismissed.

Let the records be returned to the learned counsel
appearing for the B.R.A. Bihar University as well as the State.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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