

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19708 of 2014

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1. Md. Sagir, son of Late S.K. Abdul Hasan, Resident of village - Mahua Bhusa, Post Office Lachchnauta, Police Station - Gonaha, District - West Champaran at present posted as Assistant Teacher, Upgraded Middle School, Beram Sarai, Block Ghosi, District – Jehanabad.
 2. Md. Zafir Ahmed, son of Late S.K. Abdul Hasan, Resident of village - Mahua Bhusa, Post Office Lachchnauta, Police Station - Gonaha, District - West Champaran at present posted as Assistant Teacher, Upgraded Middle School, Pakri, Block Jehanabad, District – Jehanabad.

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Education Officer, Jehanabad
4. The District Programme Officer, Establishment, Jehanabad
5. Bihar School Examination Board, Budh Marg, Patna through its Secretary
6. The Chairman, Bihar School Examination Board, Budh Marg, Patna
7. The Secretary, Bihar School Examination Board, Budh Marg, Patna

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Anjani Kumar, AAG-6
For the Board	:	Mr. Ranjit Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-01-2016

Annexure-1 is the culmination of a direction issued by the High Court in a previous writ application filed by the two petitioners which would be evident from Annexure-2 annexed with the writ application.

Even from reading of the said order dated 13.03.2014, something glaring has been noticed by the Court with the nature of dispute relating to even the date of birth and the time span and gap between the two own brothers indicated in the two matriculation

certificate of theirs which is less than six months from each other. There are other also discrepancies with regard to their acquired degree of training etc. which led to issuance of the impugned order which became the cause of action for filing of the writ application.

Since the Court directed holding an enquiry into the issue by the respondents and Annexure-1 is culmination of that enquiry which confirms the position emerging thereunder, this Court is not willing to exercise its discretion by interfering with the impugned order contained in Annexure-1.

If things are based on fraud and deceit, it must relate back to the very inception merely because the petitioners have derived the benefit, equity is not created in their favour.

Writ application is dismissed.

(Ajay Kumar Tripathi, J.)

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