

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19631 of 2015

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1. Vimlavati Kumari @ Bimlawati W/o Mr. Virendra Kumar Sinha R/o village -
Karan Bigha, P.O. + P.S. Injore, District - Arwal, Presently Posted to the Post of an
Assistant Teacher at S.N.S. High School Bakhtari Manjhopur, District - Arwal

.... Petitioner/s

Versus

1. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University,
Darbhanga
2. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga
3. The Examination Controller, Kameshwar Singh Darbhanga Sanskrit University,
Darbhanga
4. The Director, Vigilance, State Unit, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma
Mr. Shiv Shankar Prasad Yadav
For the University : Mr. Awadhesh Prasad Sinha
For the Vigilance Deptt. : Mr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 21-04-2016

Heard counsel for the parties.

Petitioner has filed the writ application for a direction
upon the University authorities to issue original certificate of
Navinottar Madhyama for which she claims that she had passed
the said examination in the year 1979 and provisional certificate
and the mark-sheet were issued to her.

In the normal course of things, there would have been
no difficulty for this Court to issue direction to the University
authorities to provide original certificate with regard to passing of
the said examination but the University is categorically denying

the said claim on the ground that their records do not reflect existence of the petitioner as a candidate for such participation in the examination. In the 2nd counter affidavit they go to the extent that such examination, in fact, may not have happened at all.

In the above controversial facts and circumstances, this Court cannot issue mandamus upon the University authorities because the mark-sheet produced by the petitioner by itself cannot form the basis for reaching such a conclusion and the authenticity of participation. Instances of forged and fabricated mark-sheets being used are one to many. Therefore, in absence of corroborative evidence it will be difficult for this Court to grant relief to the petitioner.

Dismissal of the writ application, however, will not come in the way of the petitioner from invoking the powers and jurisdiction of a civil court or pressing into service other law like Right to Information Act etc.

Writ application is dismissed with liberty as above.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21/04/2016
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