

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6821 of 2015

Vibhanshu Shekhar. S/o Sri Uday Kumar Tiwary, Resident of Village - Bhairapur,
P.O.- Pawai, P.S.- , District - Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Bihar, Patna.
2. The Secretary, Bihar School Examination Board, Bihar, Patna.
3. The Joint Secretary, Bihar School Examination Board, Bihar, Patna.

.... Respondents

Appearance :

For the Petitioner	:	Mr. Prabhakar Singh, Advocate
For the State	:	Smt. Binita Singh, G.P.31
For B.S.E.B.	:	Mr. Partha Sarthy, Advocate
		Mr. Utsav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-07-2016

There are two facts which do emerge from perusal of records. One, that the C.B.I. while investigating the case RC-14(S)/08 had seized the registers in relation to the intermediate examination held in the year 1989 of which petitioner was one of the examinees. This position is evident from a copy of the cross-list register which has been obtained from the custody of the C.B.I. authorities and has been brought on record as Annexure-5 to the supplementary petition filed on behalf of the petitioner.

2. The participation of the petitioner in the examination can also be derived from the final form which was submitted by the C.B.I. before the Court which is annexure-4 to reply of the petitioner

to the counter affidavit of respondent nos.2 and 3. Now what is the correct marks which the petitioner had obtained in the said examination is not evident because C.B.I. also found interpolation in the T.R. Register and over writing, therefore, the actual marks which was earned by the petitioner is not certified.

3. In these circumstances, the demand of the petitioner for issuance of a fresh mark-sheet in his favour by the Bihar School Examination authorities, the successor in interest of Intermediate Council, can only be facilitated after the return of all the seized documents and registers by the C.B.I. to the B.S.E.B.

4. Writ application is disposed of with a direction upon the Secretary of the Bihar School Examination Board that no sooner the original records are returned, the position will be verified with regard to the petitioner and an appropriate certificate or mark-sheet with regard to the said examination would be issued.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	04.07.2016
Transmission Date	