

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11757 of 2015

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Rajesh Kumar, Son of Late Bhola Prasad, Resident of Mohalla, Chakabdul Wahid Rasulpur, Jilani, Majhauria Road, P.O. - Head Post Office, P.S.-Kazi Mohammadpur, District -Muzaffarpur.

.... Petitioner

Versus

1. The Bihar State Examination Board, Patna through its Secretary.
2. Secretary, Bihar School Examination Board, Patna.
3. Joint Secretary, Bihar School Examination Board, Patna.
4. Headmaster, R.K. High School, Karja, District - Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Amit Kumar Rakesh, Advocate
For B.S.E.B.	:	Mr. Piyush Lall, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-05-2016

Heard counsel for the petitioner as well as counsel representing Bihar School Examination Board.

2. On a complaint received from one Punam Prakash, which is Annexure-A to the counter affidavit filed on behalf of the Bihar School Examination Board, an enquiry was initiated against the petitioner with regard to his so called participation and passing of matriculation examination for the year 2000(A) with Roll Code 5120, Serial 280.

3. The allegation contained in Annexure-A traces the entire history as well as the reason why a fraud was sought to be played by the petitioner claiming himself to be son of one Late Bhola



Prasad. The complainant Punam Prakash has categorically asserted that Late Bhola Prasad in fact was her father who was an employee of Life Insurance Corporation. He retired on 31.01.1997 and passed away on 14.01.1999. One of the reasons alleged for creating such a document and documentation with change of name of the father, date of birth etc. and participating in the matriculation examination is said to be a property dispute and an effort to grab the property by the petitioner and his family members.

4. A detailed enquiry was held. There are enough materials to show that the name of the father of the petitioner is Vijay Prasad Dhiman. There are other records and evidence within the public domain contemporaneous in nature to show that the position does exist.

5. All these materials and evidence was gone into which supported the allegation that the petitioner had played fraud by participating in the matriculation examination by mis-declaration, which resulted in cancellation of the result vide decision contained in Annexure-1. Petitioner is seeking quashing of this order.

6. The plea that the petitioner was adopted son of Late Bhola Prasad obviously is an afterthought and is not supported by any kind of unimpeachable evidence and documents. In fact the criminal bent of mind of the petitioner or his family members is further

certified when a pre-litigative Case No.70 of 2006 was filed in connivance with the mother of the petitioner and the forum of the Lok Adalat was misused in furtherance to covering up such illegal acts committed on behalf of the petitioner.

7. In these circumstances and with sufficiency of material for the Examination Board to come to a conclusion that what was done by the petitioner by participating in the examination held under the Board in the year 2000 was nothing but a case of fraud committed by the petitioner, which lead to cancellation of the result so declared. In fact this is one of those cases where even a criminal case should have been initiated by the Examination Board and allowed the law to take its course.

8. Writ is dismissed.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
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