

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1446 of 2017

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1. Madhubandana Kumari, Daughter of Kishore Prasad, Resident of Village- Meyar, P.O.- Keri Meyar, P.S.- Noorsarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Health, Government of Bihar, Patna, Patna.
2. The Chairman, Bihar Combined Entrance Competitive Examination Board, Patna.
3. The Controller of Examination, Bihar Combined Entrance Competitive Examination Board, Patna.
4. The Principal, Nalanda Medical College and Hospital, Patna.
5. The Superintendent, Nalanda Medical College and Hospital, Patna.
6. The In charge, Post Graduate Course, Nalanda Medical College and Hospital, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anshuman Singh

For the Respondent/s : Mr. Binod Kr. Yadav- SC-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 24-08-2017 The petitioner is aggrieved by letter dated 21.03.2016, issued by the Controller of Examination, Bihar Combined Entrance Competitive Examination Board, (hereinafter referred to as the BCECEB), Government of Bihar, whereby the candidature of the petitioner for admission to the diploma certificate in Grade A. Nursing Course, N.M.C.H., Patna, for which she had appeared in the year 2013, has been cancelled.

2. The petitioner after having been provisionally allowed admission to the said Course is said to have completed



two years of training, whereafter her candidature has been cancelled by the impugned order of BCECEB, on the basis of report of Forensic Science Laboratory on the ground that the person who had written the entrance test and the one who had appeared for counselling were not the same person. Accordingly, holding the petitioner's success in the written test to be result of impersonation, based on a report of Forensic Science Laboratory, impugned order, dated 21.03.2016, has been passed. From the impugned order, I find that the handwriting of the candidate, who had papered for the written test, was obtained on the answer-sheet. The person who appeared for counselling was also asked to write the same passage. On, *prima facie*, satisfaction by the persons holding counselling that there was difference between two handwritings, the matter was referred to Forensic Science Laboratory.

3. However, in view of an undertaking given by the petitioner, she was provisionally admitted with clear understanding that her admission shall be subject to outcome of the report from the Forensic Science Laboratory. As has been indicated, the report of the Forensic Science Laboratory suggested that the two handwritings were of different persons.

4. In my view, the impugned action is squarely



covered by a decision of this Court in case of ***Manoj Kumar Vs. State of Bihar and ors*** reported in ***2017(3) PLJR 521***.

5. Following the aforesaid judgment in case of ***Manoj Kumar*** (supra), this application stands dismissed.

(Chakradhari Sharan Singh, J)

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