

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19946 of 2016

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1. Mithila Kumari, Wife of Ashok Kumar, Resident of Village- Bisahi, P.O. Mali Pokharbhinda, P.S. Sheohar, District- Sheohar.
2. Shanti Devi, Wife of Sant Kumar Sah, Resident of Village- Bisahi, P.O. Mali Pokharbhinda, P.S. Sheohar, District- Sheohar.

.... Petitioner/s

Versus

1. The Chairman, Bihar School Examination Board, Patna.
2. The Secretary, Bihar School Examination Board, Patna.
3. The Examination Controller, Bihar School Examination Board, Patna.
4. The Principal, Gudar Jagdeo Senior Secondary School Sonaul Sultan, District- Sheohar.
5. The Principal, Nawab High School, Sheohar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.
Mr. Surendra Kishore Thakur, Adv.
For the Respondent/s : Mr. LALIT KISHORE
For the B.S.E.B. : Ms. Namrata Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT
Date: 06-12-2017

Heard the parties.

The petitioners in the present application seek calling for the order dated 30.07.1993 passed by the Chairman, Bihar School Examination Board, Patna whereby the result of these petitioners of having passed matriculation examination has been cancelled and quashing of the same thereafter.

It is the case of the petitioners that they had appeared for the Secondary Examination, 1989 conducted by the Board. It is their further case that they had passed the examination and accordingly



mark-sheets were issued in their favour. Based on their mark-sheet and School Leaving Certificate, they got admission to Teachers Training Course in government Teachers Training School and subsequently, they were appointed, as Panchayat Teachers. Admittedly, the petitioners were neither having their original certificate of matriculation nor original mark-sheet. When they were asked to produce the said documents for their continuance as Panchayat Teachers, they approached the Bihar School Examination Board by representations and reminders, but the Board did not provide them the desired documents, the petitioners assert.

From the pleading on record, it appears that the petitioners had earlier approached this Court by filing C.W.J.C. No. 17663/2015 and C.W.J.C. No. 18230/2015 seeking direction to the respondent/Board to issue duplicate mark-sheet and certificate of matriculation for Teachers Training Examination. The writ applications however, had been dismissed vide order dated 02.08.2016 after the Court had the occasion to see the tabulation register containing endorsement of the fact that the results of both these petitioners were cancelled as far back as on 30.07.1993 under the orders of erstwhile Chairman of the Examination Board. The Court dismissed the applications in view of the said endorsement.

The Court however, observed while passing the said order



dated 02.08.2016 as follows:-

“Petitioners have recourse in law on that aspect of the matter.”

In view of the said observation made by this Court in earlier cases, it is the plea of the petitioners that the present writ application has been filed.

In my view, once this court rejected the petitioners writ application for issuance of duplicate mark-sheet and original matriculation certificate after having perused the tabulation register, this court in the present subsequent writ proceeding cannot entertain the relief, as sought. The petitioners apparently did not seek specifically a liberty to challenge the decision of cancellation of their result by filing separate writ application.

In such circumstance, this writ application cannot be entertained. Accordingly, this writ application stands dismissed.

(Chakradhari Sharan Singh, J)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2017
Transmission Date	NA

