

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4679 of 2011

=====

1. Kush Kumar Ram Ramjit Ram Moresharai, P.O. More Sarai, P.S. Shivsagar, Distt. Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development, Department, Vikas Bhawan Baily Road, Patna

2. The Chairman Bihar School Examination Board, Sinha Library Road, Patna

3. The Secretary Bihar School Examination Board, Sinha Library Road, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Madheshwar Singh

For the Respondent/s : Mr. Knkar Kumar Singh, AC to SC-9

For B.S.E.B. : Mr. Sunil Kumar Mandal, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

7 29-03-2017 The petitioner seeks quashing of an order, dated 28.12.2010, passed by the Secretary, Bihar School Examination Board, Patna, whereby he has declared the petitioner's mark-sheet of matriculation examination held in the year 1978 bearing no. 187768 as illegal.

2. Facts of the case as narrated by the petitioner are peculiar. The petitioner claims that he appeared in the matriculation examination as student of Sher Shah Suri High School, Sasaram. His result was kept pending with some other students. It is his case that 16 years thereafter he was given his mark-sheet of 1978 Annual matriculation



examination. Thirteen years thereafter, the petitioner filed a representation before the Secretary, Bihar School Examination Board on 05.09.2007, which has been brought on record by way of Annexure-A to the counter affidavit filed on behalf of the Board, wherein he complained that till that date his result was not declared nor his mark-sheet of matriculation examination and original certificate were issued. He accordingly, made a request for declaration of his result, issuance of mark-sheet and original matriculation certificate. It is evident from the petitioner's representation made in the year 2007 that according to the petitioner himself his result was not declared till that date and mark-sheet was not issued to him.

3. The Court fails to appreciate, in that background, the averments made by him in the writ application that mark-sheet was issued to the petitioner in the year 1994.

4. In the counter affidavit filed on behalf of the Board, it has been stated that the said mark-sheet said to have been issued in the year 1994 was in fact never issued by the Board. The Board had sought for certain information from the Principal of the concerned School and after holding the mark-sheet to be illegal, the impugned order, dated 28.12.2010 was passed.

5. Learned counsel appearing on behalf of the



petitioner has submitted that before passing of the said order, dated 28.12.2010, no notice was given to the petitioner. In my view, no notice was required to be given to the petitioner as the Board was proceeding on the representation filed by the petitioner, wherein on the one hand he claimed that the result was not declared and on the other hand, he asserted that mark-sheet was issued in the year 1994. The Board by the impugned order has held the mark-sheet said to have been issued in favour of the petitioner in the year 1994 as not genuine.

6. The averments made in the counter affidavit have not been controverted by the petitioner by filing rejoinder. The averments made in the counter affidavit, thus, stand admitted.

7. In that view of the matter, no relief can be granted.

8. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--

