

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3354 of 2017

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1. Kumari Anu Sinha aged daughter of Sri Narendra Prasad, resident of Village- Itavan, P.S.- Gurua, District- Gaya, through her guardian Sonu Kumar, aged about 22 years, son of Narendra Prasad, resident of Village- Itavan, P.S.- Gurua, District- Gaya.
2. Aman Kumar Sharma, son of Sri Ramesh Krishnan, resident of Village- Narayan Garh, P.S.- Rampur, District- Gaya, through his natural guardian Sri Ramesh Krishnan, son of Late Kamdev Prasad, resident of Village- Narayan Garh, P.S.- Rampur, District- Gaya.
3. Gunja Rani, D/o Meghan Das, through her elder brother and guardian Mukesh Kumar (elder brother), Resident of Village- Basua, P.S.- Wazirganj, District- Gaya.
4. Kumar Mannu, S/o Virendra Yadav, through natural guardian Virendra Yadav, S/o Late Rameshwar Yadav, resident of Village- Gaharpur, P.S.- Belaganj, District- Gaya.
5. Md. Abid Hussain, S/o Md. Haroon Rashid, through his guardian Md. Nasim, S/o Md. Nazim Miah, resident of Mohalla- Kathokar Tank, Near Marvari High School, P.S. Civil Line District- Gaya.
6. Saurabh Kumar Gupta, S/o Sidharth Kumar, through Guardian Sidharth Kumar, resident of Mohalla- Maharani Road, P.O.- New Godawn, P.S.- Kotwali, District- Gaya.
7. Banshidhar Kumar, S/o Sachu Singh, through natural guardian Sachusingh, Village- Bhurkunda, P.O.- Nain Sagar, P.S.- Bara Chatti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department (Secretary Education), Bihar, Patna.
2. The Bihar School Examination Board, through its Chairman,



Sinha Library Road, Patna.

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

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

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

6. Ideal Higher Secondary Public School, Delha, Gaya through its Principal Shakti Kumar, S/o Late Tarkeshwar Prasad, resident of Mohalla- New Colony, Delha, P.S.- Delha, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Sinha No.-1, Adv.

For the State : Mr. Madhaw Pd. Yadav- GP-23

: Mrs. Meera Singh, AC to GP-23

For the Board : Mr. Ajay, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 10-04-2017

The petitioners were students of Ideal Higher Secondary Public School, Delha, Gaya. They have filed this application seeking direction to the respondents-Bihar School Examination Board, Patna (*hereinafter referred to as the Board*), to declare their Class-X results.

2. Heard the parties.

3. Learned counsel, appearing on behalf of the



petitioners, has submitted that there cannot be any dispute that the petitioners had appeared in the examination held in the year 2016. Their results have been withheld by the Board without any valid reason.

4. Learned counsel, appearing on behalf of the Board, produced before me a WEB-copy of an order, dated 22.12.2016, passed in CWJC No. 16911 of 2016, whereby, this Court has dismissed the said writ application filed against withholding of results of the students of the said school.

5. It seems from the order of this Court, dated 22.12.2016, that the school, in question, admitted more number of students than permissible and allowed them to appear in Class-X examination, held by the Board. This Court, in the order, dated 22.12.2016, has observed that the result had to be withheld when the fraud was detected, though at a belated stage.

6. I do not find any reason to take a different view as the Court has found admission of students in the said school, beyond the sanctioned strength, to be an act of fraud.

7. The institution had preferred an appeal, under the Letters Patent of this Court, against the said order, dated 22.12.2016, giving rise to LPA No. 81 of 2017. The said LPA No. 81 of 2017 has been dismissed by a Division Bench of this Court, since the school elected to withdraw the appeal. In



that background, no relief, as sought in the present application, can be granted.

8. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.04.17
Transmission Date	

