

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7717 of 2017

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Nagma Praveen, Daughter of Shri Md. Shamim, R/o Pul Par, P.O.-
Nawada, P.S.-Nawada, District-Nawada through her mother
Shakila Khatoon, Wife of Shri Md. Shamim, R/o Pul Par, P.O.-
Nawada, P.S.-Nawada, District-Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education
Department, Government of Bihar, Patna.
2. Bihar School Examination Board through its Secretary.
3. Chairman, Bihar School Examination Board, Patna.
4. Secretary, Bihar School Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.

Mr. Raushan, Adv.

Mr. Ujjwal Bhushan, Adv.

For the State : Mr. Ranjan Kumar, AC to GA-12

For the Board : Mr. Satyabir Bharti, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 23-06-2017

The Bihar School Examination Board, Patna
(hereinafter referred to as the "Board"), has come out
with a list of students of Intermediate Session 2015-17, who



are said to have procured two registration numbers by playing fraud for illegal purposes. Their candidature for appearing in the Intermediate Examination, 2017 has been rejected on that ground through by communiqué, dated 03.03.2017, published in the newspaper, which has been brought on record by way of Annexure-3 to this writ application.

2. The petitioner is one of such students, whose name figures at Serial No. 45, of the said list against which two registration numbers have been showed, i.e., "R-250080038-15" and "R-230810027-15".

3. It is the case of the petitioner that she had submitted only one registration form, as student of Magadh Central Senior Secondary School, Nawada, on the basis of which she has been allotted "Registration No. R-230810027-15", as is evident from Annexure-A of the counter affidavit filed on behalf of the Board because the photograph of the petitioner, which is at Annexure-A (registration card) of the counter affidavit, is her correct photograph.

4. In the said counter affidavit, it has been asserted that the petitioner has attempted to manipulate and play fraud with the Board by submitting two registration forms with same parentage and other details from two



different schools, namely, Magadh Central Senior Secondary School, Nawada, and Inter Astariya High School, Karpi, Arwal, with minor variation and information and different photograph. The registration cards generated on the basis of two separate applications for registration have been brought on record by way of Annexures-A and A/1 of the counter affidavit.

5. The other registration number, issued in the name of the petitioner with same parentage is "R-250080038-15". Accordingly, the case of the Board that since the petitioner attempted to play fraud with the Board, the Board has decided to cancel her registration for appearing in Intermediate Examination, 2017.

6. Learned counsel, appearing on behalf of the Board, has vehemently argued that the fraud has been committed for the apparent purpose that the petitioner could allow someone else to appear in her name with a different photograph, but with some description of parentage etc., and secure result in her name with the same parentage.

7. What is evident from the materials available on the record and pleadings that before the Board took a decision to cancel registration of the petitioner, no notice was given to her to explain as to in what circumstance two



registration forms were submitted by a candidate with her name with same parentage and other details. Further, the Court cannot completely rule out the possibility of any kind of mischief in the absence of any definite proof that the petitioner herself was responsible for filing of the second registration form.

8. Learned counsel, appearing on behalf of the Board, has submitted that considering the past experience, the Court should direct for an enquiry into the matter and only after conclusion of the enquiry, any final decision may be allowed to be taken by the Board.

9. The petitioner is admittedly a student of Intermediate. The annual examination, which she missed to appear, was held in the month of February, 2017 because of the communiqué under challenge, whereby, registration number of the petitioner has been cancelled. In the said background and the specific plea which has been taken on behalf of the petitioner that the registration number, containing information, as in Annexure-A to the counter affidavit, bears the correct registration number of the petitioner, which also bears her correct photograph, in my view, interest of justice will be sub-served, if this application is disposed of with a direction to the Board to cancel the



other registration number, bearing "R-250080038-15", issued also in the name of the petitioner but with different photograph, and allow her to appear for the ensuing compartmental Intermediate Examination.

10. I also direct the Secretary, Bihar School Examination Board, Patna, to inquire into the matter as regards the role of the Principal of Inter Astariya High School, Karpi, Arwal, leading to generation of registration certificate as brought on record by way of Annexure-A/1 to the counter affidavit. If the Secretary comes to a conclusion that some kind of fraud was played by the Principal of said Inter Astariya High School, Karpi, Arwal, he will be required to take appropriate steps in accordance with law.

11. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23/06/2017
Transmission Date	N/A

