

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14177 of 2015

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Punam Kumari, D/o Late Anjani Kumar Singh, W/o Sri Bainay Kumar Singh, R/o Mohalla-High School Road, Old Ward No.13, New Ward No. 19, P.S. Forbesganj, District-Purnea (Now Araria).

.... Petitioner/s

Versus

1. The Chairman, Bihar School Examination Board, Patna-800017.
2. The Secretary, Bihar School Examination Board, Patna-800017.
3. The Assistant Secretary (Purnia), Bihar School Examination Board, Patna- 800017.
4. The Principal, Govt. Women Teacher Training College, Forbisganj, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Adv.
For the State : Mr. Ranjan Kumar, AC to GA-12
For the BSEB : Mr. Ajay Behari Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

C.A.V. JUDGMENT & ORDER

Date: 06-09-2017

This application, under Article 226 of the Constitution of India, has been filed seeking quashing of an



order, dated 04.04.2012, passed by the Secretary, Bihar School Examination Board, Patna (*hereinafter referred to as the 'Board'*), *vide* its letter, dated 05.05.2012, whereby, the petitioner's result of Teacher's Training Examination, 1994, for the Session 1989-91, has been cancelled. The petitioner also seeks a direction to the Board to declare her result of the said Teacher's Training Examination, held in the year 1994, for the said Session 1989-1991, and to issue marks-sheet and certificate of the petitioner of the said examination.

2. The petitioner had earlier approached this Court by filing CWJC No. 3505 of 2012, seeking similar direction for declaration of said result and issuance of marks-sheet and certificate etc. The order, dated 04.04.2012, quashing of which is being sought in the present application, was available on records of CWJC No. 3505 of 2012, which is apparent from the order, dated 12.04.2012, passed in that case. Though, the Court by the said order, dated 12.04.2012, held the order, dated 04.04.2012, to be bad, dismissed the writ application on the ground of delay and laches on the part of the petitioner in following terms:-

**"x x x x x x x x x x
That brings to the
fore the nature of relief to be
granted. On the previous
occasion the Board had been
taken an objection of delay.**



The Court had observed that there can be no uniform yardstick and it may depend on the facts of each case. The counter affidavit of the Board adequately reflects that by reason of the long passage of years, it is finding it difficult to collate documents and even examine the grievance of the petitioner.

The submission of the petitioner that she is going to be high and dry without any relief, is basically for her to answer in not having been vigilant for the protection of her educational qualifications and career prospect by approaching the Court in time for relief.

x x x x x x x x x x"

3. The petitioner, thereafter, preferred Letters Patent Appeal, bearing LPA No. 1031 of 2012, against the order, dated 12.04.2012, passed in CWJC No. 3505 of 2012. The Division Bench of this court did not feel persuaded to take a different view than what was taken in the order, dated 12.04.2012, and, accordingly, dismissed the said Letters Patent Appeal by passing the following order:-

"The writ petition



was dismissed primarily on the ground of laches.

We have heard learned counsel for the appellant at length. We are unable to persuade ourselves to take a different view of the matter especially when there are serious dispute with regard to facts which cannot be resolved by this court in these proceedings. Had the appellant vigilant, it might have been possible to resolve the dispute, but at this distant point of time even the respondents are unable to produce the record as they are almost 20 years old.

We are not inclined to entertain this appeal. Accordingly, it is dismissed."

4. The petitioner, thereafter, approached Supreme Court by filing Special Leave to Appeal, which gave rise to SLP (C) No(s). 15736 of 2015. It appears that it was contended on behalf of the petitioner, before the Supreme Court, that even if the Board did not have the records, it was quite possible that the records were available with the concerned training college. The Supreme Court, without



making any observation on such stand taken on behalf of the petitioner, observed that the appropriate course of action shall be to approach the High Court in this behalf. The petitioner sought permission to withdraw the application with a liberty to approach the High Court. The said Special Leave Petition, accordingly, came to be dismissed as withdraw by the Supreme Court by order, dated 03.07.2015, passed in SLP (C) No(s). 15736 of 2015.

5. In view of the observation made by the Supreme Court, the present writ application has been filed on behalf of the petitioner.

6. I have heard learned Counsel appearing on behalf of the parties.

7. Mr. Anil Kumar Mukund, learned Counsel, appearing on behalf of the petitioner, has vehemently argued that though there were enough materials on record in possession of the respondents, sufficient for publication of result of the petitioner, they are consciously concealing such documents and not disclosing them to the Court.

8. In view of the specific plea taken on behalf of the petitioner before the Supreme Court and the observation made by the Supreme Court in the order, dated 03.07.2015, I, *vide* order, dated 04.04.2017, had directed the Principal of concerned Government Women Teachers Training College,



Forbisganj, Araria, to file counter affidavit.

9. Dispute has been raised on the point of petitioner's admission by misrepresenting her marks-sheet, obtained in matriculation examination, which was the basis for her admission in the said Teacher's Training College. Referring to various materials available, it is the stand of the State-respondents that the petitioner at the time of her admission to the course, in question, had claimed to secure 637 marks in her matriculation examination, held in the year 1986, under Roll Code 4109 and Roll No. 074, whereas, the petitioner had, in fact, secured only 437 marks in the said matriculation examination. With 437 marks in her matriculation examination, the petitioner could not have been admitted in the said Government Women Teachers Training College, Forbisganj, Araria, and by playing an act of fraud, she had got herself admitted to the said course, State-respondents contend.

10. Mr. Anil Kumar Mukund, learned Counsel, appearing on behalf of the petitioner, has vehemently argued that the petitioner never represented her marks to be 637 in matriculation examination as claimed by the State-respondents. He contends that the petitioner had secured 437 marks in the matriculation examination, which was the basis for her admission to the course in question.



11. From the counter affidavit, it appears that the respondents have found a news item, dated 13.08.1994, published in the daily newspaper *AAJ*, that fake examinees had appeared in Government Women Teachers Training Colleges. In that light of the matter, at the relevant point of time, it was decided to verify the genuineness of the candidature of candidates, who had appeared for the admission from four colleges, including the present one. This Court cannot rule out a situation that the petitioner, for the said reason, did not approach the Court or any other forum for publication of result or issuance of marks-sheet immediately after the results were published.

12. Despite direction of the Court, the records, pertaining to result in question, could not be located by the respondents.

13. Considering the above facts and the conduct of the petitioner, the relief, sought for in the present writ application, cannot be granted.

14. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	26.07.2017
Uploading Date	06.09.2017
Transmission Date	N/A

