

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.939 of 2017

1. Sushma Kumari, daughter of Bhuneshwar Prasad, Residing at Banu Chapra, P.O. Betiya, Bittiah, P.S. - Bettiah, District - West Champaran.
2. Shaqib Iqwal, Son of Sri Washi Ahmad, residing at Nautarwa, P.O. - Maniyari, P.S. - Shikarpur, District - West Champaran.
3. Madhu Kumari, daughter of Sri Birendra Prasad, residing at Sudhar Chhap, P.O. & P.S. Loria, District - West Champaran.
4. Shabnam Ara, D/o Sri Iddu Kuraishi, residing at Bhola Tola, P.O. & P.S. - Chanpatia, District - West Champaran.
5. Manu Kumar, son of Sri Harilal Sah, residing at Bakhat Pasrain, P.O. - Bakhat, P.S. - Muffassil Bettiah, District - West Champaran.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Govt, of Bihar. Patna.
2. The Principal Secretary, Human Resources Department, Govt, of Bihar. patna.
3. The Chairman, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.
4. The Secretary, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.
5. Sri Bashist Kunwar, Principal, Raj Kumar Shukla College, Satwariya Chanpatiya, West Champaran.

.... Respondents

Appearance :

- For the Petitioners : M/s. Siya Ram Sahi,
& Binod Kumar, Advocates
For the Board : Mr. Lalit Kishore, Sr. Advocate
For the State : Mr. PRABHAKAR JHA- GP27
For the respondent no.5 : Mr. Dhananjay Mishra, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 13-02-2017

Heard the parties.

Through this writ application, the petitioners seek direction to the Bihar School Examination Board to accept the registration form and examination form. The petitioners are appearing in +2 Intermediate Examination of the year 2017 which is going to commence from tomorrow (14.02.2017).



It is contended on behalf of the petitioners that though it is stated in the earlier round of litigation, in which the respondent no. 5 was the petitioner, that this school was tagged to some other school but the petitioners' registration form have not been accepted.

Counter affidavits have been filed on behalf of the Board and respondent no. 5. In the counter affidavit filed on behalf of the respondent Board, an order has been appended which was passed in C.W.J.C. No.3762 of 2016 by a co-ordinate Bench of this Court. The writ application was filed by the respondent no.5. The relevant passages from aforesaid order itself are quoted under for better appreciation.

“Counsel for the Bihar School Examination Board has sought instruction and he informs the Court that the registration of the students through the attached college has already been done by the Board. He also produces a letter dated 14.12.2016, addressed to Sri Bashishta Kunwar, the petitioner, which indicates that position.

If this is so, the writ application along with the I.A. No.9676 of 2016 is disposed of. Battle within the body may be fought out in a civil court of competent jurisdiction”

It is apparent from paragraph no.1 of the order that the Board has already stated before this court that the registration of the students through the attached college has already been done by the



Board. The submission was accepted by the Court specially in view of the letter dated 14.12.2016 issued by the Board addressed to the respondent no.5, Sri Bashishta Kunwar stating that registration is already complete and the examination fee etc. along with late fee submitted through him would not be acceptable and, thus, it is being returned. This appears to be a fight between two persons which should be sorted out in a civil court of competent jurisdiction.

The petitioners' names were also sent through the aforesaid Sri Bashishta Kunwar. The Board has questioned his authority to send the same vide Annexure –A which was also noticed in the earlier order.

Accordingly, in my view, in such a situation, this Court cannot direct the Board in the present case to admit the petitioners in the concerned examination which is going to commence from tomorrow (14.02.2017).

As a result, this writ application fails and is dismissed.

(Dr. Ravi Ranjan, J)

Spd/-/ Sanjay

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.2.2017
Transmission Date	NA

