

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2594 of 2017

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1. Bed Prakash Sharma

2. Ohm Prakash Chatterjee

Both minor S/o Shri Chandeshwar Mandal, R/o Village Dharhara ,
P.S. Andhara Mathh, District Madhubani through their father and
natural guardian Shri Chandeshwar Mandal, S/o Late Ayodhi
Mandal, R/o Dharhara, P.S. Andhara Mathh, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

2. The Principal Secretary, Department of Education, Government
of Bihar, Patna.

3. The Principal Secretary, Department of Science and
Technology, Government of Bihar, Patna.

4. The Secretary, State Technical Education Board, Technology
Bhawan, Patna.

5. The Director, Department of Science and Technology,
Government of Bihar, Patna.

6. The District Magistrate, Madhubani.

7. The District Education Officer, Madhubani.

8. The Government Polytechnic, Darbhanga through its Principal.

9. The Principal, Government Polytechnic, Darbhanga, through the
Director, Department of Science and Technology, Government of
Bihar, Patna.

10. The Principal, Ganga Ram Janta Uchcha Vidyalaya, Bolhar,
District Mahdubani, through the District Magistrate, Madhubani.

11. The Secretary, Bihar School Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tuhin Shankar, Adv.
Mr. Patanjali Rishi, Adv.
Mr. Gopal Kumar, Adv.
For the State : Mrs. Shilpa Singh, G.A.-12
Mr. Sunil Kumar, A.C. to G.A.-12
For the BSEB : Mr. S.S. Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 04-05-2017

In Court's opinion, a trivial dispute has been unnecessarily allowed to complicate because of mischief played against these petitioners at some level.

2. The petitioners are twins. Both of them passed Secondary School Examiantion-2014, held by the Bihar School Examination Board (*hereinafter referred to as the 'BSEB'*), with first division. In the marks-sheets and provisional certificates, issued by the BSEB, the same date of birth of both these petitioners has been mentioned as 09/06/1999. They had appeared for D.C.E.C.E. (PE/PPE/PMD/PM)-2015, conducted by the Bihar Combined Entrance Competitive Examination Board for admission in Diploma course in Engineering. Both of them qualified and finally selected for admission to Government Polytechnic, Darbhanga, where they are pursuing their Diploma course in



Engineering. At the time of their admission, it seems that they had submitted their School Leaving Certificates (*hereinafter referred to as the 'SLCs'*), issued by the Headmaster of Ganga Ram Janta Uchcha Vidyalaya, Bolhar, Mahdubani, dated 26/06/2014, which contained their date of birth as 09/06/1999. After they took their admissions, someone started chasing them, complaint that their admissions were on the basis of forged documents. Information, under Right to Information Act, was sought for from the Principal of the concerned Polytechnic College, who, in turn had sought information from the Headmaster of the concerned Ganga Ram Janta Uchcha Vidyalaya, Bolhar, Mahdubani, in this regard. The Headmaster of the concerned school is said to have certified that the date of birth of these petitioners is 06/06/1999 and not 09/06/1999. He is said to have informed the said college that the SLCs, submitted by these petitioners for taking admission, were forged documents. Proceeding on that, the Principal, Government Polytechnic College, Darbhanga, has cancelled their admissions by office order, dated 08/12/2016. The said order, dated 08/12/2016, has, however, been stayed by an order of this Court, dated 24/04/2017.

3. It is the case of the petitioners that in the SLCs, issued earlier by the Ganga Ram Janta Uchcha



Vidyalaya, Bolhar, Madhubani, their date of birth were wrongly mentioned as 06/06/1999 in place of 09/06/1999 and after much persuasion for making corrections, other certificates were issued, entering correct date of birth as 09/06/1999.

4. The aforesaid fact is being denied by the State of Bihar. It is the specific case of the State of Bihar that the date of birth of these petitioners, as per the school register, maintained by the school, is 06/06/1999, which is the correct date of birth of these petitioners. The Principal of the Government Polytechnic College, Darbhanga, has justified the action, on the ground that the documents produced by the petitioners, at the time of admission, were subsequently found to be forged and, therefore, their admissions could not be sustained.

5. There is no dispute about certain facts. The date of birth of these petitioners, who are twins, as entered in the provisional certificates and the marks-sheets, issued by the BSEB, is 09/06/1999. According to the State of Bihar, the date of birth of these petitioners, as maintained in the school register, are 06/06/1999. If that was so, how the date of birth of these petitioners could be entered as 09/06/1999 in the marks-sheets and provisional certificates, issued by the BSEB, is a question which could have been



explained by the State of Bihar. Certainly, the petitioners cannot be blamed for that. Secondly, the petitioners could not have derived any advantage by getting their date of birth shifted from 06/06/1999 to 09/06/1999, since such shifting would have no consequence, benefiting these petitioners in any manner whatsoever.

6. Learned counsel, appearing on behalf of the State of Bihar, has vehemently submitted, referring to Supreme Court decisions, that fraud vitiates all and since the admissions of these petitioners are based on documents, which have been found to be forged, their admissions have been rightly cancelled.

7. In my view, those principles do not apply in a case, like the present one, where the facts are admitted to the extent that the petitioners passed matriculation examination and in the marks-sheets and provisional certificates, issued by the BSEB, their date of birth have been mentioned as 09/06/1999. In any event, these petitioners cannot be blamed for anything what has happened and if someone is to be blamed, certainly the functionaries, at the level of school or the BSEB.

8. The impugned order, dated 08/12/2016, is, accordingly, set-aside.

9. So that no controversy is raised in future,



I direct the Principal, Ganga Ram Janta Uchcha Vidyalaya, Bolhar, Mahdubani, to issue afresh SLCs to the petitioners, mentioning their date of birth on the basis of what has been entered in the matriculation certificates, irrespective of what is there in the school register.

10. Since the Court is of the view that some mischief is being played against these petitioners, it is directed that in future, the authorities concerned shall be required to be extra cautious while taking any action against these petitioners, on the basis of any complaint by a private person.

11. This application is, accordingly, allowed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.05.2017
Transmission Date	

