

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1166 of 2017

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Anandi Prasad, S/o Late Gajo Mahto, resident of Village- Balwapur, P.O.-
Masourha, P.S. Nardiganj, District- Nawada, at present resident of Flat No. D-66,
Ridgewood Estate, D.L.F. City, Phase- IV, Gurugram- 122009.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Bihar School Examination Board, Patna through its Secretary, the Bihar School Examination Board, Patna.
3. The Secretary, the Bihar School Examination Board, Patna.
4. The Chairman, the Bihar School Examination Board, Patna.
5. The Examination Controller, the Bihar School Examination Board, Patna.
6. The Principal, Adarsh Higher Secondary School, Sirdala, Block Sirdala, District- Nawada.
7. The Project Lakhan Devi Mathura Girls High School, Sirdala, Block- Sirdala, District- Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Adv.

Mr. Naven Anand, Adv.

Mrs. Anu Priyadarshini, Adv.

For the State : Mr. Nanendra Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 09-11-2017



The petitioner's daughter, namely, Rajshri Prasad, had appeared in Class-Xth examination, held by the Bihar School Examination Board (in short 'the Board'), in 2016. She was student in Project Lakhan Devi Mathura Girls High School, Sirdala, Nawada (respondent No. 7). She was, however, made to appear in the said Class-Xth examination through Adarsh Higher Secondary School, Sirdala, Nawada. This arrangement was made for the reason that said Project Lakhan Devi Mathura Girls High School had conditional affiliation for certain period which period had expired.

2. The petitioner has a grievance that though the result of his daughter has been displayed on the website of the Board, marks-sheet and pass certificate have not been issued in her favour. Accordingly, a direction is being sought in the present writ application to the Board to issue the marks-sheet and the pass certificate in favour of the petitioner's daughter with respect to the said Class-Xth examination, 2016.

3. A counter affidavit has been filed on behalf of the Board. The fact that the petitioner's daughter had appeared in Class-Xth examination is not being disputed. It is not the case of the Board that there was any irregularity in allowing the



petitioner's daughter to appear in the said examination through Adarsh Higher Secondary School, Sirdala, Nawada. The only plea which has been taken on behalf of the Board is that the examination fee, in respect of the students of said Project Lakhan Devi Mathura Girls High School, Sirdala, Nawada, were not deposited with the Board to the tune of Rs. 1,13,365/- It is the case of the Board in the counter affidavit that the Principal In-Charge of Project Lakhan Devi Mathura Girls High School, Sirdala, Nawada, had given an undertaking that all the balance amount of the examination fee shall be deposited with the Board within 20 days. In support of such contention, a copy of the letter, dated 10.03.2016, written by the In-Charge Principal, Project Lakhan Devi Mathura Girls High School, Sirdala, Nawada, addressed to the Secretary of the Board, has been brought on record by the Board in the counter affidavit.

4. Learned counsel, appearing on behalf of the petitioner, has submitted that till examination fee is deposited, the result of the petitioner cannot be published.

5. Respondent Nos. 6 and 7 were noticed in this case. Despite service of notice upon them, there is no representation on their behalf.



6. If respondent No. 7 received examination fee and did not deposit with the Board, that certainly constitutes an offence punishable under Sections 406 and 409 of the Indian Penal Code. If any amount is payable to the Board by him, in my view, it is certainly between the Board and the said school. The petitioner cannot be allowed to suffer for the dispute between them.

7. However, in peculiar facts and circumstances of the case, I dispose of the present writ application with a direction to the Board to publish the petitioner's daughter result, if a lump sum amount of Rs. 5,000/- (Rupees Five Thousand only) is deposited by her with the Board, as against the head of her examination fee. This, the Court presumes, this will satisfy the desire of the Board to receive the examination fee of the petitioner's daughter, which the Board could not receive through the Principal of the said school, despite the fact that the examination fee was paid by her.

8. I further direct the Superintendent of Police, Nawada, to ensure registration of an FIR against the Principals of the two schools, *i.e.*, Project Lakhani Devi Mathura Girls High School, Sirdala, Nawada and Adarsh Higher Secondary School, Sirdala, Nawada, there being allegation of misappropriation of



fees received by them, which they have failed to deposit with the Board.

9. The application stands disposed of accordingly.

10. Let this order be communicated to the Superintendent of Police, Nawada, forthwith.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.11.2017
Transmission Date	N/A

