

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11461 of 2016

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1. Pushpa Kumari wife of Alok Kumar Singh resident of Village Hansdiha (Hathgarh) P.O. and P.S. Hansdiha, District Dumka (Jharkhand)

.... Petitioner/s

Versus

1. The Chairman, Bihar School Examination Board, Patna-17.
2. The Secretary, Bihar School Examination Board, Patna-17.
3. Deputy Secretary (Vigilnce) Bihar School Examination Board, Patna-17.
4. The State of Jharkhand through Secretary Welfare Department, Ranchi (Jharkhand)
5. The Deputy Commissioner, Dumka (Jharkhand)
6. The District Programme Officer, Dumka (Jharkhand).
7. The Child Development Project Officer, Saraiyahat, P.O. and P.S. Saraiyahat, District Dumka (Jharkhand)
8. The Headmaster, Bishundeo Kapri High School Khajuri, P.O. Khajuri, P.S. Shambhuganj, District- Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.K.Sinha-2
For the Jharkhand : Mr. Dhruba Mukherjee, SC
With Mr. N. Ansari, AC to SC
For the Board : Mr. Ranjit Sinha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 12-04-2017 Heard learned counsel for the parties.

2. The petitioner seeks quashing of an order, dated 05.07.2016 issued by the Secretary, Bihar School Examination Board, Patna (hereinafter referred to as the **Board**), whereby he has affirmed an order dated, 26.10.1992, cancelling candidature of the petitioner for matriculation examination, 1992 with her Roll Code 3303, Roll No. 447. Consequently, the Admit Card, and marks-sheet have also been cancelled.



3. It is the case of the petitioner that she had appeared in annual matriculation examination in the year, 1992. She was issued Admit Card with Roll Code 3303 and Roll No. 447 to appear at the said examination and was declared to have passed in second division. Marks-sheet was accordingly, made available to her and on that basis she got appointment as *Anganbari Sevika*.

4. It appears that on question having been raised by a Member of the Legislative Assembly in Jharkhand State Assembly, challenging the genuineness of the marks-sheet of the petitioner, the Child Development Project Officer, Saraiyahat, Jharkhand sought information from the Board. The Board communicated to the C.D.P.O., Saraiyahat that the said Roll Code 3303 had not been used in annual matriculation examination of the year 1992. Thereafter, the Board issued a communication under the signature of Deputy Secretary addressed to the C.D.P.O, Saraiyahat, cancelling the petitioner's result. The petitioner approached this Court by filing a writ petition, which gave rise to CWJC No. 1310 of 2014, seeking quashing of the order/communication of the Board, whereby her candidature for annual matriculation examination, 1992 was cancelled. This Court allowed the writ application, while quashing the letter communicating cancellation of petitioner's candidature



on the ground that the beforecancelling her candidature she was not noticed. The Court observed that authenticity of mark-sheet and certificate issued to the petitioner, could not be questioned merely on the grounds mentioned in the communication cancelling petitioner's candidature. Subsequently, the petitioner was asked by the Board to show cause as to why a result be not cancelled. Since the petitioner did not participate in the enquiry which conducted by the Board despite repeated opportunities allowed, the impugned order, dated 02.07.2016, came to be passed under the signature of the Secretary of Board though she had appeared before the Board once and took a plea that the documents were not with her, rather the said documents with her Counsel.

5. The conduct of the petitioner as is evident from the impugned order, which is not in dispute, cannot be approved. Since the petitioner failed to avail the opportunity of hearing, though granted to her, I do not find it to be a fit case which requires interference by this Court.

6. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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