

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14745 of 2016

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1. Kumari Nilam Sinha W/o Shri Prabhat Kumar Singh R/o Koniya, P.S. Keshariya, Distt.- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Education Secretary Deptt. Education Govt. of Bihar, New Secretariat, Patna.
2. The Bihar School Examination Board, through its Secretary.
3. The D.P.T.S. College through its Principal.
4. The Principal D.P.T.S. College Barachakiya P.S. Chakiya, Distt.- East Champaran.
5. The T.R. Clerk, East Champaran, East Champaran, Inter Council Bihar School Examination Board.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kunal Tiwary, Advocate
For the State : Mr. Narendra Kumar, A.C. to G.P.-20
For the B.S.E.B. : Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 19-06-2017 The petitioner claims that she passed Intermediate Examination (I.A.) in the year 1992 held by the erstwhile Bihar Intermediate Education Council, Patna with Roll No. 30218 and Roll Code No. 363 and she was issued mark sheet in the month of June, 1990.

This application has been filed seeking direction to the respondents more particularly the Bihar School Examination Board to grant her “pass” certificate of the said I.A. Examination held in the year 1992. A copy of the mark sheet is said to have been issued, which has been brought on record by way of



Annexure-2 to this writ application. In addition, a communication dated 29.01.1993 has been brought on record made by the erstwhile Bihar Intermediate Education Council, Patna to the Principal of D.P.T.S. College Barachakiya, East Champaran where the petitioner has claimed to have studied at Intermediate level.

A counter affidavit has been filed on behalf of the Bihar School Examination Board which is successor body of Intermediate Council raising, at the very outset, an objection over maintainability of the writ application in view of inordinate delay of 25 years in approaching this Court for relief. It has secondly been submitted that from the records available with the Board, which has succeeded the Bihar State Intermediate Education Council that for Roll Code No. 363, Roll Nos. from 30001 to 30211 were allotted Roll No. 30218 was not allotted for the said examination. Based on the record, a stand has been taken that the mark sheet brought on record by the petitioner by way of Annexure to the present writ application and communication dated 29.01.1993 as noted above are fabricated.

In my view, there is substance in plea taken on behalf of the respondents that at this stage, after 25 years, the relief as sought for by the petitioner for grant of certificate cannot be maintained. Further, since the Board has disputed the very fact



that the petitioner had appeared for the said examination, no reliefs
as sought in the present proceeding can be granted.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Vats/-

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