

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2535 of 2017

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Dhiraj Kumar, S/o Manoj Das, Resident of Village Mallikpur, P.O. Rustampur,
P.S. Raghapur, Distt. Vaishali
Petitioner/s

Versus

1. The Bihar School Examination Board through its Secretary, Patna, Bihar
2. The Examination Controller, B.S.E.B., Patna, Bihar
3. B.M.D. College through its principal, Dayalpur, Vaishali
4. Principal, B.M.D. College, Dayalpur, Vaishali Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar
For the B.S.E.B. : Mr. Ranjit Sinha, Adv.

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CORAM: HON'BLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

4 04-01-2018 In terms of the order passed in CWJC No. 2389 of
2017 Nishu Kumar Vs. Bihar School Examination Board and Ors.
this application is also allowed, subject to the condition that
petitioner will deposit a sum of Rs. 1500/- with the Bihar School
Examination Board, Patna through demand draft drawn in the
name of the Secretary, Bihar School Examination Board against
examination fee, within one month from today.

Despite service of notice upon respondent nos. 3 and
4, they have chosen not to appear. It is the case of the petitioner
that he had deposited the examination fee with the Principal of the
B.M.D. College, Dayalpur, Vaishali where as it is the case of
Bihar School Examination Board that fee was not transmitted to
Bihar School Examination Board. These facts remain
uncontroverted. Apparently, the conduct of respondent nos. 3 and
4 amounts to breach of trust within the meaning of Section 405 of



the Indian Penal Code.

I direct the Bihar School Examination Board to register an F.I.R. against the Principal, B.M.D. College, Dayalpur, Vaishali.

This writ application is allowed.

(Chakradhari Sharan Singh, J)

sushma/-

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