

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7096 of 2017

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1. Meena Devi Wife of Sri Shiv kumar Singh Resident of Village- Tilkari,
Post- Bichhi Chanchar, P.S.- Tetiya Bambar, District- Munger, the secretary
of the Governing body of the Buddha Deo Singh Yadav College, Bichchi
Chanchar, Munger Petitioner

Versus

1. The Bihar School Examination Board, (Higher Secondary) Patna
Through Its Chairman .
2. The Chairman of the Bihar School Examination Board (Higher
Secondary), Patna.
3. The Secretary of the Bihar School Examination Board Higher
Secondary), Patna.
4. The Director (Education) of Bihar School Examination Board (Higher
Secondary), Budh Marg, Patna Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Singh, Adv.

For the respondents : Mr. Sunil Kumar Mandal, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 18-01-2018

Heard learned counsel for the parties.

The petitioner is aggrieved by letter dated 15.02.2017 issued by the Bihar School Examination Board whereby the amount deposited by her for inspection of Buddhadeo Singh Yadav College, Bichchi Chanchar, Munger, has been directed to be forfeited on the logic that the petitioner had got deposited the said amount without following due procedure.

The said decision of the Board, in my view, cannot be sustained. If the petitioner did not follow the procedure prescribed in making deposits, in the absence of any provision, the said amount could not be forfeited on the said ground. If the Board was of the view that the petitioner did not follow the prescribed procedure while depositing the said amount for inspection and inspection could not be carried out, on such basis the amount ought to have been returned to the petitioner.



Impugned letter dated 15.02.2017 is quashed. Bihar School Examination Board is directed to return the amount to the petitioner within one month from the date of receipt/production of a copy of this order.

This application is allowed.

(Chakradhari Sharan Singh, J)

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