

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16878 of 2017

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Rajesh Kumar, Son of Raja Ram Yadav, Resident of Indrapuri Colony, Ward No. 07, P.O. & P.S.-Bettiah, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary Education Department, Government of Bihar, Patna.
3. The Secretary, Bihar School Examination Board (Senior Secondary), Budh Marg, Patna.
4. Bihar School Examination Board, Patna through its Secretary.

.... Respondent/s

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Appearance :

For the Petitioner/s :Mr. Abhitabh Kumar, Adv.

For the State :Mr. Priyadarshi Maitrisharan, AC to AAG-15

For the BSEB :Mr. Amarendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 15-01-2018

Heard the parties.

2. The petitioner claims that he had appeared for the intermediate examination, held in the year 1998, by the Bihar Intermediate Education Council, Patna. It is his claim



that earlier he was declared 'fail' in Chemistry paper, but on his application for scrutiny, his marks in Chemistry was altered and, accordingly, he was awarded 90 marks in the said paper and was consequently declared 'pass'. On the basis of the scrutiny done and petitioner's score in other subjects, a marks statement was issued by the erstwhile Bihar Intermediate Education Council in the year 1998, the petitioner has pleaded.

3. It is the grievance of the petitioner that the Bihar School Examination Board (*in short* '**the BSEB**'), which is the successor body of Bihar Intermediate Education Council, is not issuing the duplicate certificates and marks sheet of the petitioner of having passed the intermediate examination in the year 1998.

4. The petitioner is employed under the Uttar Pradesh Government, on the basis of the said result. The District Education Officer, Hamirpur, Uttar Pradesh, appears to have sought verification as regards petitioner's certificate, but the same has not been verified.

5. A counter affidavit has been filed on behalf of the BSEB, controverting the statements made by the petitioner in respect of his claim that he had passed the intermediate examination. On the contrary, it has been stated that on the basis of records, no change was found in the marks allotted to the petitioner in the subject Chemistry in which he had failed.



There is specific denial in the counter affidavit of the claim of the petitioner. There is a statement also in the counter affidavit that the petitioner, by way of collusion, managed to get the scrutiny manipulated on the said basis. He has falsely asserted that there has been change of marks in the scrutiny, based on which he was declared 'pass', according to the respondent.

6. In view of specific denial on behalf of the BSEB, the relief, as sought in the present application, cannot be granted in writ jurisdiction, there being serious disputed questions of fact.

7. Further there is apparent delay of 20 years by the petitioner in approaching this Court. The delay has also not been duly explained. In that view of the matter also, this Court is not inclined to entertain this application.

8. This application is, accordingly, dismissed.

9. The petitioner shall be, however, at liberty to file a suit for the redressal of his grievance, there being questions of fact, which are in serious dispute.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
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