

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12464 of 2018

=====

Aamir Yasin, Son of Md. Yasin, Resident of Mohalla- Masjid Road, Rahika Tola, P.O.- Araria, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

1. The Chairman, Bihar Combined Entrance Competitive Examination Board, Patna.
2. The Controller of Examination Bihar Combined Entrance Competitive Examination Board, Patna.
3. The Principal Jawahar Lal Nehru Medical College, Bhagalpur, Bihar.
4. The State of Bihar through the Principal Secretary Health, Govt. of Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli Mr. Prince Kumar Mishra Mr. Sanket
For the Respondent State:		Mr. S.D. Yadav Mr. Binod Kumar Yadav, SC-18
For B.C.E.C.B.	:	Mr. Prasoon Sinha

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 26-07-2018

This writ application has been filed by the petitioner seeking direction to the respondent authorities to release his original certificates of Matriculation and Intermediate (Marks-sheet & Certificates) as well as character certificate and School Leaving Certificate, which he had deposited with Jawahar Lal Nehru Medical College, Bhagalpur, at the time of his admission in M.B.B.S. course. The petitioner's admission to M.B.B.S. course in the said college was subsequently cancelled in the year 2016 on the ground that he had impersonated to secure his admission to the said course.

A counter affidavit has been filed on behalf of the Principal, Jawahar Lal Nehru Medical College, Bhagalpur, stating therein that cancellation of the petitioner's candidature was communicated by the Bihar



Combined Entrance Competitive Examination Board, Patna (BCECEB) to the Principal, under Memo No. 193 of 2016 dated 05.02.2016. Under the said communication the college was asked to take appropriate legal action. It has been stated that the said letter dated 05.02.2016, received from the Examination Controller, Bihar Combined Entrance Competitive Examination Board, Patna (BCECEB) was sent to S.H.O. Barari Police Station under Memo No. 315 dated 05.02.2016. There is no statement in the counter affidavit as to whether any F.I.R. has been registered or not. It is not the stand of the college that the BCECEB ever instructed the college not to release the certificates deposited by the petitioner in his favour upon cancellation of his candidature.

Mr. S.D. Yadav, learned Additional Advocate General, appearing on behalf of the college has submitted that since legal action was required to be taken under the communication made by the BCECEB, the college had decided not to release the certificates in favour of the petitioner.

Mr. Prasoon Sinha, learned counsel appearing on behalf of the BCECEB submits that the Court never communicated to the college not to release the said certificates.

There is no apparent justifiable reason, thus, for the Jawahar Lal Nehru Medical College to withhold the certificates and documents of the petitioners which he is demanding.

This writ application is accordingly allowed with a direction to the Principal, Jawahar Lal Nehru Medical College, Bhagalpur, to return to the petitioner forthwith, the certificates, which he had deposited at the time of admission to M.B.B.S. course, if the petitioner approaches the Principal with a copy of this order within one week from today, immediately. It will be open



to the Principal to retain copies of the said certificates for any purpose whatsoever.

Since I am of the view that the college illegally retained the petitioner’s certificate without any justifiable reason or authority, I consider it an appropriate case for imposition of costs. Accordingly, this application is allowed with a cost of Rs.20,000/- to be paid by the Principal of the college to the petitioner within one month from today.

This application is accordingly allowed.

(Chakradhari Sharan Singh, J)

Pawan-Ragini

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	02.08.2018
Transmission Date	N/A

