

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23374 of 2013

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1. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna.
 2. Jt. Secretary, Bihar School Examination Board, Sinha Library Road, Patna.

.... Petitioner/s

Versus

1. Dhananjay Kr. Singh, S/o Late Amarnath Singh.
2. Manorama Devi, W/o Late Amarnath Singh,
Both are R/o village- Gagriya, P.S.- Chainpur, Dist- Kaimur, Bhabua.
3. The Bihar State Electricity Board through its Secretary, Vidyut Bhawan, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Shankar, Adv.

For the Respondent/s: Mr. Vinay Kirti Singh, Sr. Adv.

M/s Vijay Kumar Verma and Akhileshwar Singh, Advs.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 23-08-2018

This application has been filed by the defendant of Title Suit No. 430 of 2004 pending in the court of Sub-Judge-III, Patna for quashing the order dated 11.05.2012. As per impugned order, the learned court below directed the petitioners to produce the Tabulation Register of 1961 and Registration Certificate in the court. The petitioners before this Court are Secretary and Joint Secretary of Bihar School Examination Board, Sinha Library Road, Patna.

2. Heard learned counsel for the petitioners.

3. It has been submitted that the original respondent- Amarnath Singh filed the aforesaid suit for declaration of his date of birth as 20.10.1945 in stead of 20.10.1944 which is mentioned in the



official record of Bihar School Examination Board.

4. It has been submitted that registration of candidate started to be maintained from the year 1975 and so the Board was not in a position to produce the Registration Certificate and the Tabulation Register of only successful candidates is being preserved in the office of Bihar School Examination Board. The plaintiff was unsuccessful in matriculation examination and so the Tabulation Register was not preserved. It has been submitted that during the pendency of writ application, the original plaintiff has died. The court below without considering the submission of petitioners directed the petitioners to produce the document which is not sustainable in law. The heirs of original respondent in stead of notice did not appear.

5. In the above facts and circumstances, the impugned order directing the petitioners to submit the documents which are not in the office of petitioners is set aside and this application is accordingly allowed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

