

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12959 of 2014

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Shiv Kumar Sah, son of Late Thakur Sah, resident of Village- Kuraia, Post Office- Ishmela, Police Station- Dighwara, District- Saran.

.... Petitioner/s

Versus

1. Principal Secretary H.R.D Department, Bihar Patna
2. The Bihar School Examination Board, Patna through its Chairman
3. The Chairman, Bihar School Examination Board, Patna
4. The Secretary, Bihar School Examination Board, Patna
5. The Joint Secretary, Bihar School Examination Board, Patna
6. The Secretary, Lokayukta, 4 Kautilya Marg, Patna
7. The Deputy Secretary, Lokayukta, 4 Kautilya Marg, Patna
8. The Under Secretary, Lokayukta, 4 Kautilya Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. AAG-11 ASHOK KUMAR KESARI

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date: 19-11-2018

On 05.11.2018, this Court has noted the submission of Mr. Satyabir Bharti, learned counsel appearing on behalf of the Board. The court noted that the petitioner's candidature was cancelled by the respondents, as petitioner has practiced fraud and misrepresentation. This Court also noted the judgment of the Apex Court in the case of **S.P. Chengalvaraya Naidu Vs. Jagannath**, reported in **(1994) 1 SCC 1**, which is clinching on the point that fraud vitiated every decision.

2. This Court, vide order dated 05.11.2018 granted time to the petitioner and directed that if no one appeared on behalf of the petitioner, the Court will proceed on the basis of the submissions



advanced by Mr. Bharti and dispose of the writ application.

3. Despite indulgence, no one has appeared on behalf of the petitioner to assist the Court. Under the aforesaid circumstance, the Court accepts the submission advanced by Mr. Bharti and in view of the judgment of the Apex Court in the case of **S.P. Chengalvaraya Naidu Vs. Jagannath**, reported in (1994) 1 SCC 1, the Court does not find any infirmity in the decision impugned in the writ application. The present writ application does not merit any consideration. Accordingly, it is dismissed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20 .11.2018
Transmission Date	

