IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12239 of 2017

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1. Tauheed Alam, S/o Muneer Ahmed, Resident of Chakand Bazar, P.S.- Chakand, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
2. The District Education Officer, Gaya.
3. The Bihar State Madarsa Education Board, Patna through its Chairman.
4. The Secretary, Bihar State Madarsa Education Board, Patna.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr. Navendra Kr. (A.C to GP 20)
For the Madrasa Board : Md. Rashid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-07-2018 The petitioner claims that he passed fauquania examination, held in the year 2009, by the Bihar State Madarsa Education Board as a student of Madarsa Darool Funun Hakim Ganj Ghugharitand, Gaya with his Roll Code Gaya, Roll No. 993. A copy of the certificate of having passed in the said examination has been brought on record as Annexure-4. The petitioner states that he needs mark-sheet of the said examination which he has not received.

It is asserted in the writ application that despite requests having been made, the Board has not provided him with the mark-sheet.

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Learned counsel appearing on behalf of the Board opposes the prayer on the ground of delay and laches and submits that since the petitioner has approached this Court 9 years after he passed in examination, the writ application deserves to be dismissed on the sole ground of delay and laches.

Learned counsel for the Board though appears to be right in his contention that delay may disentitle a person to seek relief under Article 226 of the Constitution of India, I am still of the considered view that if the petitioner makes request for issuance of duplicate mark-sheet, respondent No. 4 shall have a duty to consider such request.

This writ application is accordingly disposed of with liberty to the petitioner to apply for duplicate mark-sheet of the said examination before respondent No. 4, who shall consider the request and if the petitioner's case is found to be genuine and bona fide, he shall issue duplicate mark-sheet within a reasonable period of time.

The application stands disposed of.

(Chakradhari Sharan Singh, J.)

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