

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5704 of 2017**

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Pannalal Prasad Patel son of Shri Ram Nath Raut Kurmi, Resident of Village-  
Bhawanipur, Ward No. 4, Anchal- Narayani, P.S.- Birganj, District- Parsa,  
(Nepal).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bihar School Examination Board (Senior Secondary) through its Secretary,  
Budh Marg, Patna.
3. The Secretary, Bihar School Examination Board (Senior Secondary), Budh  
Marg, Patna.
4. The Chairman, Bihar School Examination Board, (Senior Secondary), Budh  
Marg, Patna.
5. The Secretary, Department of Human Resources, Government of Bihar, New  
Secretariat, Vikash Bhawan, Patna.

... .. Respondent/s

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**Appearance :**

|                      |   |                                                                      |
|----------------------|---|----------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Pramod Kumar, Advocate                                           |
| For the Respondent/s | : | Mr. Jitendra Kr.Roy No1-SC-13<br>Mr.Jai Prabhat Kishore, AC to SC-13 |
| For the Board        | : | Mr. Amrendra Kumar, Advocate                                         |

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

3      02-04-2018                      Heard learned counsel for the parties.

2. The petitioner claims that he passed Intermediate Science examination held by the Bihar Intermediate Education Council, Patna as student of Veer Kunwar Singh College, Patna, in the year 1995. It is his grievance that till date the original certificate has not been issued of having passed the Intermediate Science examination.

3. Learned counsel for the petitioner has submitted that the petitioner was given the provisional certificate and the



mark-sheet by the Bihar School Examination Board, where after he took admission in Medical Course and secured Medical degree up to Master of Medicine (M.B) as student of a Medical College in Nepal. It transpires that the Nepal Medical Council and the Central Investigation Bureau had initiated action against number of Doctors including the petitioner on receipt of report of fraud in respect of admission to Medical Courses on the basis of fraudulent certificates. It is, therefore, the petitioner's case that he requires the said certificate.

4. Learned counsel for the petitioner has drawn my attention of an order of this Court, dated 12.12.2007, passed in CWJC No. 8431 of 2007 which, according to him, has been passed in similar circumstances, whereby the successor body of the Intermediate Council, viz., Bihar School Examination Board has been directed to issue original certificate on the basis of the mark-sheet. He seeks similar direction.

5. A counter affidavit has been filed on behalf of the Bihar School Examination Board, which is the successor body of Bihar Intermediate Education Council. It has been stated, *inter alia*, in the counter affidavit that the affiliation of the College, where the petitioner claims to have studied at Intermediate level was cancelled in the year 1995 itself. It is, in



substance, the case of the Bihar School Examination Board that the said Veer Kunwar Singh College, it appears, was not a genuine institution where the petitioner had studied.

6. Learned counsel for the petitioner, in reply, has submitted that since the College, in question, was having affiliation when the petitioner had appeared for Intermediate examination, the original certificate cannot be withheld by the successor body of the Bihar School Examination Board.

7. There are more than one reason why I am not inclined to entertain this writ application. Firstly, this writ application has been filed nearly 22 years after the petitioner claimed to have passed the Intermediate examination held by the Bihar School Examination Board. Reliance placed by the learned counsel for the petitioner on an order of this Court, dated 12.12.2007 in CWJC No. 8431 of 2007, in my view, is of no avail for the reason that though said order also pertains to Intermediate examination held in the year 1995, but the petitioner has approached this Court nearly ten (10) years thereafter in 2017. In any view of the matter, this Court by order, dated 12.12.2007, had not directed the Bihar School Examination Board to issue certificate, rather, it directed the Board to issue the certificate, provided the same was found



genuine. Genuineness of the claim of the petitioner of having passed the examination is yet to be tested by a competent authority.

8. Learned counsel for the petitioner has submitted that the said order of this Court, dated 12.12.2007, passed in CWJC No. 8431 of 2007 has been upheld by the Supreme Court by order, dated 25.08.2014, passed in Special Leave to Appeal (C) No. 21841 of 2009. Inordinate delay in filing of the writ application is also a reason why no specific direction can be given to the Board to issue the certificate.

9. Learned counsel for the petitioner has drawn my attention to Annexure-4 of his reply to the counter affidavit to submit that the petitioner's marks statement has been got verified by some officials of the Board. It is not clear as to which officials of the Board has put his signature on the said document.

10. However, it is observed that the Board will examine the correctness of endorsement which, according to the petitioner, has been made by some officials of the Board on the copy of the mark-sheet as Annexure-4 to the reply of the counter affidavit. If the Board is satisfied that the petitioner had appeared for the examination and had passed the examination,



the Board may issue a desired certificate within two months from the date of receipt/production of a copy of this order.

11. This application stands disposed of.

**(Chakradhari Sharan Singh, J)**

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