

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2055 of 2015
IN
Civil Writ Jurisdiction Case No. 7031 of 2014**

=====

Ram Narayan Ram, Son of late Dasai Ram, resident of Mohalla- Golghar, Police Station- East Gandhi Maidan and Town and District Patna.

.... Appellant/s

Versus

1. The Bihar School Examination Board, Patna through the Secretary.
2. The Secretary, Bihar School Examination Board, Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Utsav Kumar, Advocate
Mr. Apurva Kumar, Advocate
For the Respondent/s : Mr. Satyabir Bharti, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 03-04-2018

Heard Mr. Utsav Kumar, learned counsel appearing for the appellant-petitioner and Mr. Satyabir Bharti, learned counsel appearing for the respondents.

This appeal under Clause 10 of the Letters Patent arises from the judgment and order of a learned Single Judge of this Court dated 11.2.2015 passed in CWJC No.7031 of 2014, whereby the order of punishment passed against the writ petitioner of withholding 25% pension as affirmed by the appellate order, has been upheld and the writ petition has been dismissed.

We have heard learned counsel for the parties and perused the records.

The allegation against the appellant-petitioner as reflected from the proceeding is very serious as certain answer-sheets were found in the room in which he was staying. The answer-sheets recovered, related to the ongoing Matriculation examination and when put to question, no satisfactory answer was forthcoming from the appellant-petitioner. The matter led to enquiry where the charges were upheld leading to the order



of punishment in question which has also been upheld by the Appellate Authority as well as the writ Court.

A plea was taken by the appellant-petitioner during the course of proceedings as well as before the learned Single Judge that besides the appellant-petitioner, there were two other persons occupying the room but neither the names of those persons were disclosed nor they were led in evidence during the course of enquiry.

In the circumstances noted where the appellant-petitioner was found to be the sole occupant of the room and he failed to give satisfactory explanation as to the presence of the answer-sheets relating to Matriculation examination, we can only observe that the appellant has been let off rather leniently. The learned Single Judge has discussed not only the notice served on the appellant-petitioner rather even the defence so put up and a cursory glance whereof, is sufficient to uphold the punishment impugned which, as we have observed, is rather lenient considering the gravity of charges set up against the appellant-petitioner.

For the reasons aforementioned we find no reasons to differ with the opinion of the learned Single Judge. The Letters Patent Appeal is dismissed in limine accordingly.

No order as to costs.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19-04-2018
Transmission Date	NA

