

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.243 of 2018
IN
Civil Writ Jurisdiction Case No. 16878 of 2017**

=====

Rajesh Kumar Son of Raja Ram Yadav, Resident of Indrapuri Colony Ward No. 07,
P.O. & P.S.-Bettiah, District-West Champaran.

.... Appellant/s

Versus

1. The State of Bihar Through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Secretary Education Department, Government of Bihar, Patna.
3. The Secretary, Bihar School Examination Board,(Senior Secondary, Budh
Marg, Patna).
4. The School Examination Board, Patna through its Secretary, Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Abhitabh Kumar, Advocate
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-04-2018

Delay of one day in filing of the appeal is condoned. I.A.

No.1611 of 2018 is allowed and disposed of.

Seeking exception to an order passed by the learned
Writ Court on 15.1.2018 in C.W.J.C. No.16878 of 2017, petitioner
has filed this appeal under Clause-X of the Letter Patent. Petitioner



was student who appeared in the Intermediate Examination conducted by the Bihar Intermediate Education Council, Patna in the year 1998. He was declared as failed in the subject of Chemistry and according to him, he filed an application for re-evaluation. The re-evaluation was granted and he was awarded 90 marks in paper and subsequently, he declared “passed”. However, having done so in the year 1998 for reasons that remain unexplained petitioner kept quiet till 2017.

In the meanwhile, based on the educational qualification obtained petitioner sought employment under the District Education Officer, Hamirpur, Uttar Pradesh and while being in service for 20 years, filed a writ petition by contending that after re-evaluation the correct marks sheet and the passed certificate has not been issued.

A counter affidavit was filed by the successor to the Bihar Intermediate Education Council namely, the Bihar School Examination Board and that on scrutiny of the records they find that on re-evaluation no change was recorded. The prayer for re-evaluation was rejected and the petitioner was declared failed. It is specifically stated in the counter affidavit that in collusion with some employees of the Board the petitioner has manipulated the record and having been shown as passed and was now trying to get the marks sheet after 20 years. The learned Writ Court dismissed the petition on the ground of delay and finding there to be serious disputed questions of fact.



In our considered view, the learned Writ Court has committed no error in passing the impugned order warranting reconsideration. The petition stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

N.H./-

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

