

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7180 of 2018

Imran Akhtar Son of Shafi Akhtar Under the Guardianship of his father and natural guardian Resident of Village-Jadhua, P.S. Hajipur Town, District-Vaishali.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board Through Its Chairman
2. Chairman, Bihar School Examination Board
3. The Secretary, Bihar School Examination Board
4. The Principal, Pt. Ujjwal Mishra S.S. School, Hajipur, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma
For the Respondent/s : Mr. Lalit Kishore

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 16-05-2018 The petitioner seeks a direction to the respondent Bihar School Examination Board, to publish his result of matriculation examination, 2017, in which he had appeared as student of Pt. Ujjwal Mishra S.S. School, Hajipur, Vaishali.

There was some controversy in respect of the said school in relation to allowing admission of over aged students. That has led to filing of writ application by the said school, registered as CWJC No. 7943 of 2017 (Pt. Ujjwal Kumar Mishra Senior Secondary School, Hajipur vs. State of Bihar and Ors.), which came to be disposed of by judgment and order dated 11.07.2017. Certain directions have been issued in the said order. While issuing the directions as contained in the



judgment and order dated 11.07.2017, the Court had at one point of time observed that in the absence of any statutory provision/guideline, requiring the school to take admission only on the basis of transfer certificates, admission of students with their-self declaration in respect of their age could not be termed to be illegal.

Learned counsel appearing on behalf of the Board submits that vide Government Order No. 2776-B dated 07.08.1954, it has been provided specifically that no student can be admitted to a higher class than class 7th of the recognized Middle/Senior Basic/High School, unless he/she produces a transfer certificate from another recognized School or Boards or passes annual examination of the next lower class of the school. It is being submitted that this aspect went unnoticed in this Court's decision in case of Pt. Ujjawal Kumar Mishra Senior, Secondary School, Hajipur (supra).

In the facts and circumstances of the case and in view of the submission advanced on behalf of the petitioner and the respondents, this application is disposed of with a direction to the Bihar School Examination Board to consider the case of the petitioner in the light of directions contained in the judgment and order dated 11.07.2017, passed in CWJC No. 7943 of 2017



[Pt. Ujjawal Kumar Mishra Senior, Secondary School, Hajipur (supra)] with the only clarification that the petitioner shall have to satisfy the authorities that his admission was either in accordance with the said Government Order No. 2776-B, dated 07.08.1954, or that the said Government Order could not be applied for the purpose of admission.

The decision in respect of publication of petitioner's result should be taken expeditiously, preferably within a period of two months from the date of receipt/production of a copy of this order.

This disposes of the application.

(Chakradhari Sharan Singh, J)

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