

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17167 of 2017

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1. Md. Rahmat Rabbani, Son of Quazi Ghulam M. Rabbani, Resident of
Village- Puranaganj, P.S. Baisi, District- Purnea Petitioner

Versus

1. The Bihar School Examination Board Patna through its Secretary,
B.S.E.B., (Secondary Education), Patna.
2. The Secretary, B.S.E.B., (Secondary Education), Patna.
3. The District Education Officer, Purnea.
4. The Principal, P.S. College, Harda, Purnea Respondents

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Appearance :

For the Petitioner : Mr. Surya Kant Mishra, Adv.
For the State : Mr. Umesh Narayan Dubey, AC to GP XXVII
For the BSEB : Mr. Ajay, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 25-01-2018

Heard learned counsel for the parties.

This application has been filed for direction to the respondent-Bihar School Examination Board to issue the marks-sheet and migration certificate to the petitioner, who passed Intermediate (Science) examination in the year 2014.

It has been asserted in the writ application that initially he was declared fail in Chemistry subject against which he had applied for scrutiny. The Board found the marks awarded in the said subject Chemistry to be erroneous and, accordingly, the petitioner was declared “pass” with second division. It is also asserted in the writ application that the petitioner was handed over the certificate of having passed I.Sc. examination with second division issued by the Bihar School Examination Board.



However, the marks-sheet and migration certificate were not made available to him despite his best efforts. This adversely affected his prospects and career. Despite his continuous efforts, the said marks-sheet and migration certificate could not be issued by the Bihar School Examination Board.

A counter affidavit has been filed on behalf of the Bihar School Examination Board wherein there is no denial of the facts stated in the writ application. It is admitted in the counter affidavit that upon scrutiny improvement of marks in certain subjects was noticed and, accordingly, the petitioner was declared “pass” in second division. It has been stated that communication in respect of change in the marks-sheet and his status as pass candidate has been sent to P.S. College, Harda, Purnea, on 06.12.2017 with a request to make the said document available to the petitioner.

In view of the aforesaid, it is admitted that the Board did not take any step to send the petitioner’s marks-sheet and migration certificate consequent upon the result of scrutiny, either to the college in question or to the petitioner. Till filing of the writ application on 21.11.2017 the respondent-Board did not do anything, in this regard. The petitioner was constrained to file present writ application on 21.11.2017. It is only after filing of the



present writ application that the administration of the Bihar School Examination Board woke-up and transmitted the marks-sheet and the migration certificate to the school in question on 06.12.2017. There is no explanation why those documents could not be sent to the school or to the petitioner between 2014 to 2017.

Though the grievance of the petitioner has been redressed during the pendency of this application, I have considered it fit to impose a cost of Rs.10,000/- since the petitioner has been granted relief only after he was compelled to approach this Court by filing present writ application. Let the said cost of Rs.10,000/- be paid by the Bihar School Examination Board to the petitioner within two months from today.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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