

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1301 of 2017

In
Civil Writ Jurisdiction Case No.10786 of 2015

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Sudhira Kumari D/o Surya Narayan Sahu R/o Village - Piprahi, Police Station
- Ladania, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar through its Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Bihar School Examination Board through its Secretary/Chairman, Patna, Bihar.
3. The Secretary/Chairman, Bihar School Examination Board, Patna, Bihar.
4. The Dy. Secretary Bihar School Examination Board, Patna, Bihar.
5. Mahanth Sri Ram Narayan Giri Janta High School, Garha through its Headmaster, Via + Block + P.S. - Ladania, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. P.K. Sahi, Sr. Advocate
For the B.S.E.B.	:	Mr. Gyan Shankar, Advocate
For the State	:	Mr. V. K. Mishra, A.C. to A.A.G. 15
For the Respondent No.5:	:	Mr. Raj Dular Sah, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-11-2018

Heard Shri P.K. Sahi, learned Senior Counsel
appearing for the appellant, and Shri Gyan Shankar, learned
counsel for the Bihar School Examination Board, Patna, Bihar.

This dispute relates to the issuance of the original
Matriculation Certificate of the appellant who is claiming that
she had passed the Matriculation Examination in the year 1999



with Roll No. 283, Roll Code No. 6222. The writ application has been dismissed on the ground of laches.

It is contended that the appellant was entitled to the issuance of the certificate and, even otherwise, she is entitled to the issuance of a duplicate certificate, even if the original one is not available. The writ petition was contested on the ground that there is absence of any details available with the Board about the appellant having passed the Matriculation Examination and, upon a query made from the Head Master of the Institution, no effective reply has been given except for the fact that the cross list of the year 1999 has been eaten away by termites. It is in this background that this writ petition has been filed, but was dismissed on the ground of laches.

We have considered the submissions made across the Bar and we find that the issue of issuance of a certificate or its duplicate is not barred by any statutory limitation and, consequently, the Board ought to have examined the claim of the appellant and thereafter either issued a certificate or passed an order intimating the appellant about the rejection of the claim.

We find no justification for dismissal of the writ application on the ground of laches and, therefore, we set aside the judgment dated 18th August, 2017, with liberty to the



appellant to approach the Bihar School Examination Board along with a certified copy of this order. The Board shall thereafter examine the grievance of the appellant with regard to the issuance of the Matriculation Certificate, as claimed, and in the event it is found that the appellant had actually passed the examination in the year 1999, the Board shall ensure the issuance of a certificate. In the event the Board is of the opinion that there was no material to establish the appellant having passed the examination, it shall pass a reasoned, speaking order about the same within a period of 8 weeks from the date of presentation of a certified copy of this order before the competent authority.

Appeal stands allowed with the above directions.

(Amreshwar Pratap Sahi, CJ)

(Jyoti Saran, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
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