

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15651 of 2018

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Mahavir Yadav, Son of Bishwa Yadav, Resident of Purb Kushah, Ward No.1,
East Sunsara, Nepal.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. Principal Secretary, Education Department, Government of Bihar, Patna.
3. Chairman, Bihar School Examination Board, Patna.
4. Secretary, Bihar School Examination Board, Patna.
5. Joint Secretary-cum-Examination Controller, Senior Secondary, Bihar School Examination Board, Patna.
6. Examination Controller, Secondary, Bihar School Examination Board, Patna.
7. Principal, Sarla Satyanarayan Yadav College, Narpatganj, Purnea, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Jha, Sr. Advocate Mr. Prabhat Kumar Dipak
For the Respondent/s	:	Mr. Kumar Kamal Nayan, AC to SC-28
For the Board	:	Mr. Satyatri Bharti

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-09-2018 The petitioner relies on a mark-sheet issued by the Bihar Intermediate Education Council in the year 1990, which, according to him, is the photostat of the original. The said document suggests that the petitioner had scored 364 marks in Intermediate Examination and was declared pass with IIIrd Division. Based on the said certificate/mark-sheet, the petitioner has been employed somewhere under the Government of Nepal. It seems that in course of verification of genuineness of the mark-sheet of Intermediate Examination, the successor body of the Council, i.e., the Bihar School Examination Board,



has not found it to be correct. According to the report sent to the authorities in Nepal, the petitioner has been found to have scored 344 total marks and not 364 as claimed by the petitioner. With 344 marks, the petitioner could not have been declared pass in the Intermediate Examination. The petitioner's grievance is that verification report sent by the Bihar School Examination Board is not correct.

Mr. Jha, learned Senior Counsel appearing on behalf of the petitioner, has placed great reliance on the photo-copy of the mark-sheet in order to satisfy this Court that the verification report sent by the Bihar School Examination Board is incorrect. This is not in dispute that the petitioner does not possess the original mark-sheet. Based on the claim, which the petitioner is raising in the present writ application, on the basis of photo-copy of the certificate, this Court cannot record a finding in favour of the petitioner to the effect that the petitioner has passed Intermediate Examination and was placed in IIIrd Division and take a view contrary to the opinion formed by the Bihar School Examination Board, while sending the verification report.

Normally, I would have dismissed the writ application on the ground that the matter involves disputed questions of



facts, however, considering peculiar facts and circumstances of the case, I direct the Secretary, Bihar School Examination Board, to look into the grievance of the petitioner and give him audience, if the petitioner approaches him by way of fresh representation within one week from today. The Court expects that the Secretary of the Board should take a decision on the petitioner's representation within two months from the date the petitioner approaches him. If the finding is found to be in favour of the petitioner, the Board should send reports accordingly to the authorities in Nepal forthwith.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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