

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10275 of 2018

=====

Anand Kumar Singh, son of Dhanukdhari Singh, Resident of Village-Mathihiniya Khurd, P.O.-Bujur, P.S.-Padrauna, District-Kushinagar (Uttar Pradesh).

... .. Petitioner

Versus

1. The Chairman, Bihar School Examination Board, Patna.
- 2 The Secretary, Bihar School Examination Board, Patna.
3. The Examination Controller , Bihar School Examination Board, Patna.

... .. Respondents

=====

Appearance :

For the Petitioner : Mr. Pankaj Kumar Singh
For the Respondents : Mr. Girijesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 03-08-2018

This application has been filed seeking quashing of the order dated 06.04.2018 issued by the Secretary, Bihar School Examination Board, Patna, to the extent the same relates to petitioner, whereby his result of Intermediate Examination, published in 1999, has been cancelled.

It is the case of the petitioner that he had passed 10th Examination held by the Central Board of Secondary Education in 1995 and thereafter he was admitted in Vidya Evening College, Patna, for intermediate course. Though the said college was having affiliation, but for certain reasons, the affiliation was cancelled for the session 1996-98. It is his further case that all students of Vidya Evening College, Patna, were shifted to another affiliated college, namely, Firoz Gandhi College, Jagdeo Path, Patna, for the



purposes of intermediate examination to be held by the Bihar Intermediate Education Council in the year 1998. The petitioner appeared in the examination with his registration No. PPT-1976/1996 with Rashtrabhasha, English, Physics, Chemistry, Biology and an additional subject Mathematics. The petitioner, however, failed in Physics and Chemistry papers. It is his further case that in the meanwhile the affiliation of his parent school, i.e. Vidya Evening College, Patna, was restored for the session 1997-99 and for the purpose of clearing the two optional papers, i.e. Physics and Chemistry, he appeared in the compartmental examination held by the Board in 1999, with the same registration No. 1976/96. He was allowed permission to appear in two subjects in the year 1999. He was declared 'pass' on the basis of his performance in the compartmental examination and provisional certificate and original certificate were issued in 1999 and 2002. Migration certificate was also issued to him. In course of time, he got employment as an Assistant Teacher in a Primary School in the State of Uttar Pradesh. It appears that the certificates, which the petitioner had submitted for his appointment as Assistant Teacher, were required by the employer to be verified from the concerned Board. The authorities of the Uttar Pradesh, for the purpose of verification, entered into some communication with the Bihar



School Examination Board, the successor body of the Bihar Intermediate Education Council. Since the Bihar School Examination Board was not immediately responding to the request made by the authorities of the State of Uttar Pradesh in respect of verification, the petitioner filed a writ application before this Court, giving rise to C.W.J.C. No. 257 of 2018, which came to be disposed of by order dated 18.04.2018 in view of the stand taken on behalf of the Bihar School Examination Board that verification report had been sent to the District Basic Education Officer, Kushinagar, Uttar Pradesh, on 06.04.2018. Since the main relief did not survive any more in C.W.J.C. No. 257 of 2018, the writ application was disposed of as having become infructuous, but with a liberty to question the validity of the order dated 06.04.2018, whereby the result of the petitioner has been cancelled. This is the background in which the present writ application has been filed seeking quashing of the letter dated 06.04.2018.

A counter affidavit has been filed on behalf of the Bihar School Examination Board. It has been stated that there are apparent contradictions between the submissions made in the present writ application and the writ application which the petitioner has earlier filed, i.e. C.W.J.C. No. 257 of 2018,



inasmuch as in the earlier writ application, the petitioner had claimed that he was admitted in Firoz Gandhi College and had accordingly appeared as student of Firoz Gandhi College, whereas in the present writ application his plea is that he was admitted in Vidya Evening College, Patna, and since the affiliation of Vidya Evening College, Patna, was cancelled, only for the purposes of appearing in intermediate examination, he had appeared through Firoz Gandhi College in intermediate examination held in 1998. It is his further contention, disputing the claim of the petitioner, that the petitioner appeared in compartmental examination as student of Vidya Evening College, Patna, on the logic that since the petitioner has appeared in the main examination as the student of Firoz Gandhi College, but he could not have appeared in compartmental examination from a different college, i.e. Vidya Evening College, Patna. It is the stand of the Board that since the two papers involve practical tests also, the petitioner could not have appeared in compartmental examination from a different institution than the institution from where he had earlier appeared.

What is not being disputed by the Bihar School Examination Board that the certificates, which the petitioner was having, were issued by the Bihar School Examination Board. This is not being disputed that the petitioner had not appeared in the



examination. Reasons, why the petitioner appeared as student of Firoz Gandhi College and subsequently from Vidya Evening College, Patna, has been given in the writ application. There is no specific denial of these facts. Learned counsel, appearing on behalf of the Board, has, however, submitted that these facts could have been well ascertained from the respective College by impleading such Colleges as party-respondents in the present writ application.

I do not intend to go into all such aspects in the background of the admitted fact that the certificates, on which the petitioner is relying, were admittedly issued by the Bihar Intermediate Education Council. In the absence of any dispute about the genuineness of those certificates and in absence of any allegation that the petitioner had not participated in the examination at all, I am of the view that the question whether the petitioner could have been allowed to appear for the examination 19 years ago should not be gone into at this stage. Things settled for 19 years should not be allowed to be unsettled now in the absence of any specific case of fraud or misrepresentation. Board was required only to verify whether the certificates were issued by the Intermediate Council or not.

The impugned order dated 06.04.2018 is accordingly set aside. The Bihar School Examination Board is directed to issue



verification report afresh to the concerned authority under the Uttar Pradesh Government Service, stating whether the certificates, on which the petitioner is relying on, were issued by the Bihar Intermediate Education Council.

This application is allowed accordingly.

Verification report must be submitted within three weeks from today along with a copy of this judgment.

There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	09.08.2018
Transmission Date	N/A

