

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.16 of 2019

In

Civil Writ Jurisdiction Case No.24632 of 2018

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1. The Bihar School Examination Board through its Secretary, Bihar School Examination Board, Patna
 2. The Examination Controller, Bihar School Examination Board, Patna.

... .. Respondents-Appellant/s

Versus

1. Amit Kumar (Minor), Son of Mukesh Kumar, Resident of Village- Pachadha, P.O- Pachadha, P.s.- Hasua, Distt. Nawada, Presently resident of Mohalla-Sadhanapuri Road No. 6 D. P.S. - Gardanibagh, Distt. Patna.
2. The State of Bihar through the Principal Secretary, Education Department.
3. The Vice Chancellor Patliputra University, Patna.
4. The Registrar, Patliputra University, Patna.
5. The Principal, A.N. College, Patna.

... .. Respondents-Respondent/s

Appearance :

For the Appellants

:

Mr. Lalit Kishore, Senior Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate

For the Respondent No.1

:

Mr. Anshu Dhar Sharma, Advocate

For the Respondent No.2

:

Mr. Vinay Kumar Mishra, AC to AAG-15

For the Respondent Nos.3 & 4

:

Mr. Dr. Anand Kumar, Advocate
Mr. Bipin Kumar @ Deo, Advocate

For the respondent no.5

:

Mr. Dr. Sanjay Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 11-01-2019

Heard the learned Advocate General who has very fairly submitted that the directions of the learned Single Judge for allowing the respondent-petitioner to submit his application shall be complied with by accepting it *Off-Line* and he shall be allowed to appear in the improvement examination, but he contends that the said directions of the learned Single Judge do



not conform to the provisions of law as there was no fault on the part of the appellant-Bihar School Examination Board and hence, the said judgment may not be treated as a precedent.

We accept this prayer of the learned Advocate General subject to the condition that as a special case, the examination form of the respondent-petitioner shall be accepted. The question of law relating to acceptability of any form by extending time, therefore, shall not be treated to be the *ratio decidendi* of the impugned judgment.

The Principal of the College, where the respondent-petitioner is a student, shall forthwith forward the application form of the respondent-petitioner along with the relevant fees, which shall be accepted by the Board for the purpose of allowing the respondent-petitioner to appear in the examination. The College may submit the entire documents together with the application form latest by tomorrow, i.e., 12.01.2019.

Shri (Dr.) Sanjay Kumar Singh, learned Advocate, has appeared for the College, who shall ensure the compliance of the order.

The appeal stands disposed of accordingly.

In view of the aforesaid stand taken by the appellant, the writ application also stands disposed of.



A copy of this order shall be placed on the record of
the writ petition being CWJC No.24632 of 2018.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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