

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.899 of 2017

In

Civil Writ Jurisdiction Case No.16124 of 2011

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1. Hiralal Son of Kamta Yadav, R/o Village and Post- Chhatanwar, P.S. Krishna Baramh, Distt. Buxar.
 2. Upendra Singh, Son of Sri Chandrama Singh, R/o Village and Post- Baruhan, P.S. Bramhpur, Distt. Buxar.

... .. Appellants

Versus

1. The State Of Bihar
2. The Principal Secretary Human Resources Department, Govt. of Bihar.
3. The Director, Primary Education, Govt. of Bihar.
4. The District Magistrate, Distt. Buxar.
5. The District Education Officer, Distt. Buxar.
6. The Block Education Officer Block- Bramhapur, Distt. Buxar.
7. Block Education Extension Officer Block- Bramhapur, Distt. Buxar.
8. Mukhiya Gram Panchayat Raj Baradhi, Bramhapur, Distt. Buxar.
9. The Panchayat Secretary Grma Panchayat Raj Baradhi, Bramhapur, Distt. Buxar.
10. District Teacher Employment Appellate Authority, Distt.-Buxar.
11. Ajay Kumar Singh, Son of Kameswar Singh, Resident of Village and P.O. Sidhipur, P.S. Nawanagar, Distt. Buxar.
12. Kamalesh Kumar Mishra, Son of Prem Prakash Mishra, Resident of Village and P.O. Raghunathpur, District- Buxar.
13. Union of India, Ministry of Human Resources Development Department of Secondary and Higher Education, New Delhi.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Bijay Shankar Choubey, Adv.
For the State	:	Mr. Ashutosh Ranjan Pandey, AAG-15
For the Union of India	:	Mr. Rajesh Kumar Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

and

HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)



18 18-11-2019 The present letters patent appeal is directed against the order dated 26.03.2012 passed in CWJC No. 16124 of 2011 by the learned single Judge whereby the writ petition was dismissed holding that there is clear and categorical notification issued by the Principal Secretary, Human Resources Development Department, Government of Bihar showing Secondary Board of Higher Education, New Delhi to be a fake institution issuing fake degrees.

After arguing the case on several dates when a counter affidavit has been filed by the Union of India wherein following statements have been made :

“4. That it is submitted that Ministry of Human Resources Development, in order to ensure that innocent students do not become victims of unscrupulous and illegal activities of fake/unrecognized boards, had issued an advisory on 20.11.2008 to all Education Secretaries of the State Governments and Union Territories for prevention of functioning of fake boards within their defined territorial jurisdiction, as stipulated in the State Education Acts or Rules. It was clearly indicated therein that each Board has a defined territorial jurisdiction, which is normally stipulated in the State Education Act/Rules. It is thus



imperative that every State and Union Territory ought to have a provision to regulate recognition of Education Boards, conduct of public examination and issue of certificates by such Boards. The State/Uts are to function as watchdogs so that fake institutions, calling themselves examination boards and issuing certificates, do not operate under their territorial jurisdiction and if any such fake Boards exist, they have mechanism, to deal with such fake boards by filing First Information Report (F.I.R.) under relevant/ appropriate provisions under Section 420, 467 and 120(B) Indian Penal Code-1860. A copy of advisory dated 20.11.2018 is placed at Annexure-CA-1.

5. It is respectfully submitted that the letter No. 46-1/68-S.U. dated 28.02.1964 claimed to have been issued by the Answering Respondent, is a forged/fraudulent/fabricated letter. The forgery may be easily verified through the letter itself. The letter is dated 28.02.1964 but it has number of a file for the year 1968.

6. The letter No. 1812/2009/SKT-1 dated 29.06.2009 purportedly to have been issued by the Ministry of Human Resource Development is also a forged/fraudulent/fabricated letter. This letter has never been issued from the Ministry of Human Resource



Development. A public notice in this regard was also issued by the Ministry of Human Resource Development vide letter No. 10-1/2012-SKT-1 dated 26/27.11.2012 wherein it was clearly mentioned that the letter No. 1812/2009/SKT-1 dated 29.06.2009 was never issued by this Ministry. The students and parents were advised to take note of this fact. A copy of the same is placed at Annexure-CA-2.

7. Further, it is submitted that this Ministry's letter 2-7/2015-Sch.3 dated 08.06.2018 issued to Shri Sanjay Singh, Sasaram, Bihar in reply to his RTI application dated 02.05.2015 has also been forged by some body by inserting the name of the Board of Higher Secondary Education, Delhi in between the names of the Central Board of Secondary Education and the National Institute of Open Schooling as the Education Boards setup/recognized by the Ministry of Human Resource Development. A copy of the original letter No. 2-7/2015-Sch.3 dated 08.06.2015 issued by this Ministry to Shri Sanjay Singh, Sasaram Bihar in reply to his RTI application dated 02.05.2015, available in the official record of this Ministry, is placed at Annexure-CA-4. It may be seen from the original letter (Annexure-CA-4) that the name of the Board



of High Secondary Education, Delhi as the recognized Board by the Ministry of HRD is not mention in the said letter. The name of the Board of Higher Secondary Education, Delhi has been fraudulently inserted in this letter.

8. That in the instance case, it may be submitted that Writ Petition (C) No. 188 of 2016 was filed on behalf of Kalpatru Academy and others against State of Meghalaya challenging their decision of cancellation of recognition granted to petitioner Board, i.e. Board of Higher Secondary Education, Delhi. The Hon'ble High Court of Meghalaya vide order dated 19.09.2017 has passed in judgment that Board of higher Secondary Education, Delhi is a fake and fraudulent Board and hence the Board has no Authority to affiliate any School or college under its domain. Hon'ble Court has also directed the Ministry of HRD, Government of India to seal and shut down the Board of Higher Secondary School Education, Delhi and other fake and fraudulent institution/boards throughout the country, otherwise innocent students will continue to fall prey, as in the present case. A copy of the order dated 19.09.2017 passed by the Hon'ble High Court of Meghalaya is being filed herewith and marked as



Annexure No. CA-5 to this affidavit.

9. That Ministry of Human Resources Development has requested on 09.05.2017 and 19.01.2018 to the Commissioner of Police, Delhi to lodge an FIR against the Board of Higher Secondary Education, Delhi to immediately stop functioning as a Board of School Education as it does not meet the conditions stated in Para-2 above and stop its continued functioning for distributing certificates for secondary, senior secondary classes which is totally fraudulent. However, Board of High Secondary Education, Delhi is still showing in its website that it is an Autonomous Organization under Government of India, Ministry of Education Department. A copy of the application dated 09.05.2017 and 19.01.2018 are being collectively filed herewith and marked as Annexure No. CA-6 to this affidavit.

10. That in the light of the facts and circumstances stated hereinabove, it is clarified that Board of Higher Secondary Education, Delhi has not been set up by Ministry of HRD (Respondent) and is cent percent fake/fraudulent.”,

learned counsel for the appellant sought leave of the Court to withdraw the instant appeal.



Leave is granted. The appeal stands dismissed.

(Ashwani Kumar Singh, J)

(Anil Kumar Sinha, J)

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