

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.156 of 2021
In
Civil Writ Jurisdiction Case No.13645 of 2019

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1. The Bihar Sanskrit Shiksha Board through its Chairman, Bank Harding Road, Quarter No. 17, Patna-1.
 2. The Chairman Bihar Sanskrit Shiksha Board, Bank Harding Road, Quarter No. 17, Patna-1.
 3. The Secretary Bihar Sanskrit Shiksha Board, Bank Harding Road, Quarter No. 17, Patna-1.
 4. The Examination Controller Bihar Sanskrit Shiksha Board, Bank Harding Road, Quarter No. 17, Patna-1
 5. The Deputy Examination Controller Bihar Sanskrit Shiksha Board, Bank Harding Road, Quarter No. 17, Patna-1.

... .. Appellant/s

Versus

Suminta Devi W/o Tarun Kumar R/o Village-Telari Tola, Kashibigha, Block and P.S.- Nimchak Bathani, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satyam Shivam Sundaram, Adv.
For the Respondent/s : Mr.Sanjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 05-12-2022

Heard Mr. Satyam Shivam Sundaram, learned

advocate for the Bihar Sanskrit Shiksha Board and Mr. Sanjay

Kumar for the respondent.



The Bihar Sanskrit Shiksha Board has appealed against the order dated 08.07.2019 passed by the learned Single Judge in CWJC No. 13645 of 2019, directing the Board to make necessary correction in the certificate of the respondent within a period of thirty days or pay a cost of Rs. 50,000/-.

It was the claim of the respondent/Suminta Devi that the Board had committed an error in issuing a certificate, meant for the respondent, but issued in the name of one Soni Kumari. This error was sought to be corrected.

The claim of the respondent that she was the real candidate, who had passed the examination, entitling her to get the certificate of a degree, was rested on the admit card issued by the Sanskrit Shiksha Board which is in the name of the respondent/Suminta Devi.

Relying on such statement and evidence in the shape of admit card issued by the Board, the learned



Single Judge directed the Board to carry out necessary correction in the certificate.

Mr. Sundaram, learned advocate for the Board however has submitted that merely on the statement of the respondent, such an order was passed without any verification whether the respondent had actually appeared in the examination or was even enrolled in any school.

On the submission of the learned counsel for the Board that the name of the respondent (Suminta Devi) was nowhere to be found in the records of the Bihar Sanskrit Shiksha Board and the admit card as well as the registration receipt appeared to be forged, an enquiry was entrusted by this Court vide order dated 10.10.2022 to the Special Director, Secondary Education, Government of Bihar for ascertaining the correctness of the respective stand of the parties. The Board was directed to provide all the logistics and facilitate the Special Director to come to a definitive finding whether the claim of the respondent is



genuine or she has rested her claim on forged and fabricated documents.

A detailed report has been sent by the Special Director which is kept at Flag-'X'.

The Special Director has found that the respondent/Suminta Devi had never appeared in the Madhyama examination in the year 2014 and that the documents furnished by her before this Court is absolutely forged and fabricated. No person by the name of Suminta Devi was enrolled as a student in Vaidik Sahitya Sanskrit High School, Atasarai, Islampur in the district of Nalanda.

Considering the aforementioned report of the Special Director which has not been rebutted by the counsel for the respondent, we deem it appropriate to set aside the order passed by the learned Single Judge who had directed the Board to carry out correction in the certificate of Soni Kumari and making it a certificate in favour of Suminta Devi.



Accordingly, the order passed by the learned
Single Judge is set aside.

The appeal stands allowed.

We have not directed for any further action in the
matter for the reason that the issue is an old one and that
the respondent is a lady.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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