

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1573 of 2018

In

Civil Writ Jurisdiction Case No.13156 of 2018

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Devanand Singh Son of Dashrath Singh, Resident of Village- Mankoshi, P.S.-
Bodh Gaya, District-Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Gaya.
3. Bihar School Examination Board through its Chairman, Budh Marg, Patna.
4. The Secretary, Bihar School Examination Board, Budh Marg, Patna.
5. The Vigilance Officer, Bihar School Examination Board, Budh Marg, Patna.
6. The District Education Officer, Gaya.
7. The District Programme Officer Establishment, Gaya.
8. The Block Education Officer, Block-Gaya, District-Gaya.
9. The Panchayat Secretary, Gram Panchayat Mortaral, P.S- Bodh Gaya,
District-gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Vipin Kumar, Advocate
For the State	:	Mr. Priyadarshi Matri Sharan, AC to AAG15
For the BSEB	:	Mr. Satyabir Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 28-02-2022

Heard Mr. Vipin Kumar, learned Advocate for the
appellant, Mr. Priyadarshi Matri Sharan for the State and Mr.
Satyabir Bharti for the Bihar School Examination Board
(hereinafter referred to as 'the Board').



The appellant is aggrieved by certain observations and so called restrictions put on him in the impugned judgment.

The Board had cancelled the matriculation result of the appellant on the ground of his having appeared again in the examination with a different name and a different date of birth.

The report and the decision of the Board was perhaps based on the voters list.

The learned Single Judge on finding that the appellant had not been furnished the documents which were demanded during the enquiry, set aside such order of cancellation, but directed the enquiry to be conducted after affording all opportunities to the appellant and serving him all the documents which he had demanded. However, it was observed in the order that in case the appellant does not file his reply to the show cause notice and any order is passed by the Board, the appellant shall have no liberty thereafter to raise the plea of violation of principles of natural justice against the decision of the Board.



Mr. Vipin Kumar while challenging the aforesaid condition in the judgment submits that it goes without saying that the appellant shall respond to the show cause notice, otherwise there was no fun in approaching the Court in the first instance against the order passed by the Board.

We are of the view that such wordings of the order do not cast any restriction on the appellant and he is not also saddled with any further onerous responsibilities than what is required.

The appellant shall definitely not have any liberty to raise the plea of violation of principles of natural justice, if he does not respond to the show cause notice. The other condition in the order which has been objected to is the observation of the learned Single Judge that once a decision is taken by the Board regarding the genuineness of the matriculation certificate of the appellant and if the appellant has any objection to the same, he shall have the liberty to file a suit before the civil court of competent jurisdiction, keeping in view the nature of disputed questions of facts involved.



This also does not appear to be unreasonable and uncalled for in the circumstances of this case.

This is only an advisory and liberty to the appellant, who may choose to challenge the decision of the Board in any other forum, provided it is permissible.

We fail to understand how the aforesaid condition in the order could be read as restrictive in any manner whatsoever so as to warrant any challenge on the aforesaid counts and a request for the same to be modified/altered.

There is no merit in this appeal and therefore the same is dismissed.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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