

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.979 of 2019

In
Civil Writ Jurisdiction Case No.7943 of 2017

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

... .. Appellant/s

Versus

1. Pt. Ujjwal Kumar Mishra Senior Secondary School Hajipur, Vaishali, through its Principal Umesh Mishra, Son of Late Vedanand Mishra, Resident of Village- Gaddopur, P.S.- Mahua, District- Vaishali.
2. The State of Bihar Through the District Magistrate, Vaishali at Hajipur.
3. The Principal Secretary Department of Education, Government of Bihar, Patna.
4. The Director Secondary Education, Bihar Patna.
5. The District Magistrate Vaishali at Hajipur.
6. The District Education Officer Vaishali at Hajipur.

... .. Respondent/s

with
Letters Patent Appeal No. 973 of 2019
In
CIVIL REVIEW No.135 of 2018

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

... .. Appellant/s

Versus

1. Pt. Ujjwal Kumar Mishra Senior Secondary School Hajipur, Vaishali, through its Principal Umesh Mishra, Son of Late Vedanand Mishra, Resident of Village-Goddopur, P.S.-Mahua, District-Vaishali
2. The State of Bihar through the District Magistrate, Vaishali at Hajipur.
3. The Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Director, Secondary Education, Bihar, Patna.
5. The District Magistrate, Vaishali at Hajipur.
6. The District Education Officer, Vaishali at Hajipur.

... .. Respondent/s



Appearance :

(In Letters Patent Appeal No. 979 of 2019)

For the Appellants : Mr. Satyabir Bharti, Advocate
For the State : Mr. Priyadarshi Matri Sharan
For Res. No.1 : Mr. Mahendra Thakur, Advocate

(In Letters Patent Appeal No. 973 of 2019)

For the Appellants : Mr. Satyabir Bharti, Advocate
For the State : Mr. Priyadarshi Matri Sharan
For Res. No.1 : Mr. Mahendra Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

6 22-03-2022 Heard Mr. Satyabir Bharti, learned Advocate for the appellant/BSEB and Mr. Mahendra Thakur, learned Advocate for Pt. Ujjwal Kumar Mishra Senior Secondary School, Hajipur, Vaishali. The State is represented by Mr. Priyadarshi Matri Sharan.

The respondent school had approached this Court for a direction to the respondent authorities not to take any coercive step against the school either by suspending or withdrawing its recognition or withholding the result of the students who had appeared through the school for Matriculation.

The necessity for such a direction was felt by the school in the wake of a news of an aged person



having passed matriculation examination from the school. That news had raised a lot of furore about the education system in the State of Bihar being absolutely flawed and as if in a knee-jerk reaction, a Committee was constituted by the BSEB to enquire into the age of the students who prima facie appeared to be over-aged and had got admission in the school on the basis of self declaration of their age. The aforesaid action was taken on the basis of the report of invigilator in the examination hall.

There were disparaging reports of Sub-Divisional Officer, Mahnar and District Education Officer, Vaishali at Hajipur. The reports however were not based on any scientific method but on perceptions of the members of the Board that those students were over-aged and perhaps they had been able to manage their admission by giving self declaration of their age.

The learned Single Judge found that to be an absolutely crude method of deciding the age of such



candidates. It was categorically held by him that relying on such reports which was based on perception and not on any scientific enquiry, the Board was not justified in cancelling the registration of the school as also of the students and of withholding their results of 2017 Matriculation Examination.

Such decisions were thus set aside.

The Chairman of the BSEB was directed to take a decision afresh on the question of cancellation of registration of the students of the school and withholding of their results.

The learned Single Judge went a step further and directed that a Medical Board be constituted for examining such examinees of 2017 Matriculation Examination after issuing a public notice in that regard. The Medical Board was to give its opinion with respect to the respective age of the examinees. If the Board would find that there was a substantial difference between the minimum possible age determined by the Medical Board



and the age declared by the students, an action shall be taken against such students but only after giving them the opportunity of hearing. It was also made clear by the learned Single Judge that any such examinee who would fail to appear before the Medical Board in pursuance to the public notice in that regard, shall not be able to challenge the decision of the Board regarding the cancellation of his registration or withholding of his result.

We do not find any fault in the aforesaid arrangement directed by the learned Single Judge.

It was high time that the Board should have carried out the aforesaid instructions in order to facilitate the process of finding the cause of such flawed and sagging educational system in the State of Bihar. That not having been done has, in our opinion, resulted in a cascading impact on two fronts. If the assessment of age of such examinees on the basis of perception is ultimately found to be incorrect, such students would



have suffered an irreparable loss in terms of their self respect and the time which has been spent in this litigation.

The second aspect of the matter is that if at all, such abominable practice was being adopted by the respondent school and other schools in the State of Bihar of registering such students only on the basis of their self declaration of their age, any delay in carrying out the instructions of the learned Single Judge has only resulted in further deterioration of the system.

We had a good mind of imposing cost on the BSEB for not having carried out the aforesaid direction of the learned Single Judge but on extreme persuasion by Mr. Satyabir Bharti and his explanation for not carrying out such direction straightaway without challenging the aforesaid order viz that it would be treated as precedent for other such erring schools, we leave it at that and direct that the order passed by the learned Single Judge be implemented and carried out in



true letter and spirit forthwith.

The appeal is dismissed.

The appeal against the order passed in Civil
Review No.135 of 2018 is also dismissed.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

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