

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1514 of 2020

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Sarswati Kumari Daughter of Umesh Mistri, Resident of Village-Parto
Karharia, P.S.-Akbarpur, District-Nawada (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Bihar School Examination Board, Bihar, Patna.
2. The Secretary, through Education Department, Bihar Patna.
3. The Chairman, Bihar School Examination Council/Board, Bihar, Patna.
4. The Head Administrative Officer, Bihar School Examination Board, Bihar, Patna.
5. The Secretary of Examination Controller, Bihar School Examination Board, Patna.
6. The District Magistrate, Nawada.
7. The District Education Officer, Nawada.
8. The Head Master, Adarsh Higher Secondary School, Sirdala.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Pramod Kumar Verma
For the State	:	Mr.Umesh Narayan Dubey, AC to GP XXVII
For the Board	:	Mr. Ajay, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

4 28-07-2022 Heard the parties.

Counsel for the Bihar School Examination Board has
passed the copy of the marks-sheet.

The petitioner passed her matriculation examination
in First Division. Her result was declared but the original
marks-sheet and certificate was withheld by the Bihar School
Examination Board, Patna, without any reason.

The petitioner, therefore, has preferred this writ

petition since 2020. No reply has been filed.

The learned counsel for the Bihar School Examination Board had put in appearance on the last occasion and assured that the marks-sheet and the certificate shall be released. It was orally informed that the school had not deposited the registration fee with the Bihar School Examination Board and the result of the students was therefore although prepared, but not handed over and not sent to the school resultantly the students have not been able to receive their certificates.

Learned counsel submits that he has consulted with the Bihar School Examination Board and advised for releasing of certificates of all the students and if required action may be taken against the concerned school.

Noting the submissions, this Court while appreciating the stand taken by the learned counsel for the Board but can not close the eyes to the fact that for last six years the certificates of the students have not been handed to the students which obviously would have hampered their future drastically. The Board which is formed for the purpose of conducting examination may have reason against the concerned school for not depositing the registration fee but the students can not be put to jeopardy.

While noticing that in the present case the marks-sheet and the certificate has now been issued which is not denied by the learned counsel appearing for the petitioner.

The Board is cautioned to be more sensitive to the students' career in future and there should not be any delay in releasing of the certificates of the students.

This Court finds that the marks-sheet was prepared on 29th May, 2016, by the Board certificate was prepared on 28th April, 2016, and the provisional certificate was prepared and signed on 29th May, 2019. After the signatures having been made by the Secretary on the certificates and marks-sheet, the action of the respondents in withholding the certificates has to be treated as completely arbitrary and un-justifying, compensation is therefore required to be paid to the young students who lost six years of her valuable life and is deprived to further pursuing her studies.

While this Court suo moto takes cognizance of such facts and imposes a cost of Rs.5,00,000/- (rupees five lakhs) on the Board which shall be paid to the petitioner.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 1

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