

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2209 of 2020**

=====

Kumari Lalti Sinha Wife of Vijay Prasad Singh Resident of Village-  
Sonbhadra, P.S. Bansi, and District-Arwal-804419.

... .. Petitioner

Versus

1. The Bihar Intermediate Education Council through its Chairman, Maurya Lok Complex, Budh Marg, Patna.
2. The Chairman Bihar Intermediate education Council, Maurya Lok Complex, Budh Marg, Patna.
3. The Secretary Bihar Intermediate Education Council, Maurya Lok Complex, Budh Marg, Patna.
4. The Tabulator Bihar Intermediate Education Council, Maurya Lok Complex, Budha Marg, Patna.

... .. Respondents

=====

**Appearance :**

|                    |   |                                                                   |
|--------------------|---|-------------------------------------------------------------------|
| For the Petitioner | : | Mr.Prashant Sinha, Advocate<br>Mr.Gautam Kumar Kejriwal, Advocate |
| For the Board      | : | Mr.Binita Singh, Advocate                                         |

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

5      13-07-2023                      Heard learned counsel for the petitioner and learned  
counsel for the Bihar School Examination Board (in short the  
“Board”).

2. This Writ Application has been filed seeking a  
direction to the respondents to carry out correction in the  
tabulation register pertaining to the marks scored by the  
petitioner in her Intermediate of Arts Examination for the  
Session 1991 – 1993.

3. By filing an Interlocutory Application being I.A.  
No. 01/2022 the petitioner has prayed for a writ in the nature of  
certiorari to quash the report dated 25.11.2019 annexed as



Annexure 'A' to the counter affidavit filed on behalf of the respondents which is a report of the Four Members Committee of the respondent Council based on which the representation of the petitioner has been rejected.

4. On the request of the parties, the writ application as well as the Interlocutory Application were taken upon for consideration.

5. It is the case of the petitioner that she appeared in the Intermediate Examination held by the then Bihar State Intermediate Council in the year 1993 and passed out the said examination with 594 marks which placed her in First Division. It is submitted that occasion to approach the Bihar School Examination Board, in which the erstwhile Bihar State Intermediate Council has merged, arose only in the year 2018, when the Department of Vigilance, in course of verification of the certificates of the panchayat teachers, doubted the marks shown on the marksheet of the petitioner. Prior to that the petitioner had got appointment as a panchayat teacher by virtue of the provisions made under the Bihar Panchayat Elementary Teachers (Appointment and Service Conditions) Rules, 2006 (hereinafter referred to as the "Rules of 2006") wherein all those who were serving as Siksha Mitra were absorbed as panchayat



teacher.

6. Learned counsel for the petitioner submits that the petitioner submitted a representation to the Board to correct the tabulation registers in accordance with the marks available in the marksheet because the said marksheet was not a forged and fabricated marksheet but the request of the petitioner has been turned down.

7. Learned counsel for the Board has opposed this writ application. It is submitted that by order of the Hon'ble Division Bench of this Court in CWJC No. 15459/2014, the Department of Vigilance, Government of Bihar has conducted an inquiry into the appointment of teachers made on the basis of forged marksheets/certificates. In course of the said inquiry, the marksheet of the petitioner was also got verified from the Board. In said verification, it was found that the marks entered into the Reserved Tabulation Register (RTR) maintained in the Board differs from the marksheets which has been made available by the petitioner. Noticing this discrepancy of marks, the vigilance department has lodged a first information report against the petitioner being Vanshi P.S. Case No. 53/2019 dated 07.11.2019 under various provisions of the Indian Penal Code.

8. This Court has been informed that the Four



Members Committee was constituted by the Board to look into the matter and the Committee found that the marksheet which has been produced by the petitioner showing 594 marks does not tally with the records i.e. from the Reserved Tabulation Register (RTR) and College Tabulation Register (CTR) which are available with the Board and the College respectively. As per these two records, the petitioner has scored only 542 marks. It is further reported that the corrections made in the General Tabulation Register (GTR) does not appear to be authentic as it does not bear the signature of any competent authority.

9. Learned counsel for the Board has explained to this Court that 'RTR' is kept in the locker of the Board and it is not accessible to the general employees of the Board unless specifically ordered by the competent authority, whereas General Tabulation Register (GTR) is kept outside and it is accessible to the office for purpose of general works as and when required. The fact that the GTR contains marks in Home Science Paper-II is not borne out from the RTR and the CTR.

10. Having regard to the facts and circumstances, the pleadings which have been noticed by this Court herienabove and the kind of dispute which exists in the present case, this Court is of the considered opinion that the extraordinary writ



cannot be issued in the present case. The criminal case is still pending and the allegations under various provisions of the Indian Penal Code are subject to adjudication in the competent court.

**11.** This Writ Application has no merit, it is dismissed accordingly.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

