

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3903 of 2023

1. Mridula Kumari Wife of Shreenath Prasad Gupta Resident of Fikan Sahu Lane, Rewa Road, Bhagwanpur Chatti, P.O. and P.S.- Bhagwanpur, District- Muzaffarpur.
2. Anil Kumar, Son of Ram Briksh Mahto Resident of Village- Damodarpur Dumri, P.O.- Padmaul, P.S.- Kudhani, District- Muzaffarpur.
3. Harishankar Prasad, Son of Ram Sagar Prasad Resident of Ward No.- 07, Turki Tole Jawadih, Chainpur, P.S.- Kudhani, District- Muzaffarpur.

... .. **Petitioners**

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The State Project Director, Bihar Education Project Council, Saidpur Road, Bhikhna Pahari, Naya Tola, Patna.
3. Centre Coordinator-cum-the Principal, District Institute of Education and Training (DIET), Muzaffarpur, District- Muzaffarpur.
4. Indira Gandhi National Open University, Maidangarhi, New Delhi through its Registrar.
5. The Regional Director, Indira Gandhi National Open University, Darbhanga Region, Darbhanga, P.O., P.S. and District- Darbhanga.

... .. **Respondents**

Appearance :

For the Petitioner/s	:	Mr.Bipin Bihari Singh, Advocate Mr.Shyama Kant Singh, Advocate
For the State	:	Ms. Binita Singh, Advocate
For the Resp.No. 4 & 5	:	Mr.Kundan Kr. Singh, Advocate
For the BEPC	:	Mr.Girijesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 05-09-2023 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent nos. 4 & 5 as also learned counsel for the Bihar Education Project Council, Patna.

2. This writ application has been filed seeking a direction to the respondents to update the Grade Card with



award of Practical-1 and Practical-2 as recommended and further to issue original certificates of Diploma in Primary Education (in short 'D.P.E.') of the session 2010-2012.

3. Petitioners have a grievance that they had though completed their assignment in the D.P.E. course during the session 2010-2012 and had also done the practical components at their study centre, the Grade Card of Practical-1 and Practical-2 were not upgraded. The photocopy of the Grade Cards have been placed as Annexure '1' to the writ application.

4. Earlier this matter was adjourned at the instance of learned counsel for the Indira Gandhi National Open University (in short the 'IGNOU') taking note of the submission that remedial measures have been taken to redress the grievance of the petitioners and for this purpose he sought one week's further time to complete the entire process of updating the Grade Cards of the petitioners. On 16.08.2023, this matter was adjourned for 31st of August, 2023.

5. A copy of the counter affidavit is said to have been filed. The same is, however, not on record. Learned counsel for the petitioner has made available the photocopy of the counter affidavit which has been served upon him. It seems the counter affidavit has not even been duly filled up and paragraph '17' of



the counter affidavit which is required to be mandatorily stated in every affidavit has not been filled up giving the paragraph numbers which are said to be true to the knowledge of the deponent and the paragraph which are based on the information derived from the records.

6. The counter affidavit has been sworn before the Advocate Oath Commissioner of Patna High Court who has put his seal and signature below the unfilled-up paragraph. On many occasions, this Court has been noticing that such kind of affidavits which are not complete are being sworn and filed in this Court.

7. Let this aspect be brought to the notice of the Registrar General of this Court to take some remedial measures otherwise this practice is likely to go on in violation of the High Court Rules.

8. Be that as it may, it appears that at this stage the Regional Director, IGNOU stationed at Patna has sent the records to the Headquarter at Delhi for needful action and the same is said to be under process.

9. In the given facts and circumstances, this writ application is being disposed of with a direction to the Registrar, IGNOU (respondent no. 4) to complete the process within a



period of six weeks from today and issue the original certificate to the petitioners after upgrading of the awards of Practical-1 and Practical-2.

10. This Writ Application stands disposed of accordingly.

11. Let the photocopy of the sworn counter affidavit which has been placed before this Court be taken on the record for purpose of perusal by the Registrar General of this Court.

(Rajeev Ranjan Prasad, J.)

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