

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18614 of 2021

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Sunita Devi @ Sunita Kumari W/o Rabindra Kumar Singh, Resident of
Village - Siswar, P.O.- Turki, P.S.- Kudra, District - Kaimur, (Bhabua).

... .. Petitioner

Versus

1. The Bihar School Examination Board (H.S.) through its Chairman,
Bihar School Examination Board (H.S.), Budh Marg, Patna.
2. The Bihar School Examination Board (H.S.), Budh Marg, Patna.
3. The Secretary, Bihar School Examination, Board (H.S.), Budh Marg,
Patna.
4. The Principal, Kisan Inter College, Aukhara, Chainpur, Kaimur
(Bhabua).

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Rajani Kant Singh, Advocate Mr.Ramchandra Singh, Advocate
For the Board	:	Mr.Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 24-07-2023

Heard learned counsel for the petitioner and learned
counsel for the Bihar School Examination Board.

2. By filing this writ application, the petitioner is
seeking quashing of the order dated 19.08.2021 passed by the
Secretary, Bihar School Examination Board, Patna vide memo
No. BSEB(SS)/REN/1934 dated 19.08.2021 by which the
representation dated 23.03.2021 filed by the petitioner for
issuance of original certificate has been rejected.

3. Learned counsel for the petitioner submits that the
petitioner was a student of Intermediate in Kishan Inter College,



Aukhara, Chainpur, Kaimuar (Bhabua) which was established prior to 1992. He appeared in the Intermediate examination from Bihar Intermediate Education Council, Patna in the year 1992. It is his submission that the petitioner along with other students were given their mark-sheet and on that basis they also passed graduation and presently they are working at different places.

4. It is stated that the petitioner passed her Bachelor of Arts examination in the year 1996 from B.G. College, Bhahua and at present she is working as Panchayat Teacher.

5. The grievance of the petitioner is that the Intermediate Council did not send the original certificate of the candidates who had passed the Intermediate examination in the year 1992. It is stated that the College wrote letter in this regard to the Bihar School Examination Board (after merger of the Intermediate Council with the Bihar School Examination Board) for supply of original certificates whereupon the Board demanded some documents from the College vide Annexure '4' to the writ application.

6. It is the case of the petitioner that the petitioner had applied for duplicate of original certificate of the Intermediate in Arts on advise but when it was not supplied, the



petitioner filed CWJC No. 22282/2021, which was heard and disposed of vide order dated 12.03.2021. In terms of the order of this Court, the petitioner filed a representation before the Chairman of the Board but the same was not disposed of, therefore he filed a contempt application being MJC No. 1512/2021 whereafter the Chairman of the Board disposed of the representation of the petitioner rejecting the same.

7. Learned counsel for the petitioner submits that once the Intermediate Council has issued mark-sheet, the Council/Board cannot deny issuance of the original certificate(s).

8. On the other hand, by filing a counter affidavit and supplementary counter affidavit the Board has taken a stand that the matter with regard to issuance of original certificate of the petitioner was enquired into by a duly constituted Four Members Committee headed by the Additional Secretary of the Board and in course of examination of the records, it was found that the Roll Code 1131 and Roll No. 30476 which has been referred to by the petitioner in her representation is not available in the records rather as per records the Roll Code 1131 contains the Roll Nos. 30001 to 30475 only.

9. It is further stated that a report was also called for from the Principal, Kishan Inter College, Aukhara, Chainpur,



Kaimuar (Bhabua), and the Incharge Principal of the said College has reported that on 05.07.2001 a theft was committed in the College in which various records were taken away by the thieves for which an F.I.R. was lodged in the Chainpur Police Station. The Incharge Principal also informed that the College was granted permission of establishment from the Session 1993-1994, thus, it is the stand of the Board that in the circumstances question would not arise regarding issuance of cross-list for the year 1992.

10. In the supplementary counter affidavit, it is stated that since the College in question from where the petitioner claims to have appeared was not tagged/attached with the Centre Code 1131, therefore claim of petitioner for issuance of certificate of Intermediate is not sustainable in the eye of law.

11. Learned counsel for the Board has submitted that this seems to be a case in which the entire matter needs to be investigated after lodging of an F.I.R.

12. Having heard learned counsel for the petitioner and the Board as also upon consideration of the materials available on the record, this Court finds that the stand taken by the Board are such that it would not be just and proper for this Court sitting under Article 226 of the Constitution of India to



take upon itself an exercise to deal with the genuineness of the certificate which has been thoroughly questioned by the Board by putting some logical and meaningful submissions. This Writ Application has, thus, no merit.

13. Taking note of the stand of the Board, this Court would observe that in case the Board is of the opinion that the mark-sheet issued to the petitioner showing that it has been issued by the Bihar Intermediate Education Council, Patna is not based on the records available with the Board, the matter is required to be taken for further investigation through an appropriate agency and for this purpose the Chairman of the Board will take an adequate step.

14. This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.07.2023
Transmission Date	

