

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2708 of 2017

Manoj Kumar Pandey, Son of Sri Dharmnath Pandey, Resident of village
Dharm - Makatiyar, P.O. - Hasua, P.S. Siwan Muffasil, Dist. Siwan.

... .. Petitioner

Versus

1. The Bihar School Examination Board through its Secretary, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Regional Deputy Director of Education, Saran at Chapra.
4. The Collector, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Estb.), Siwan.
7. The Headmaster, Govt. Middle School, Salempur, Dist. Siwan.
8. The Headmaster, Kabir Muneshwar Boys High School, Dhanwati Math,
Dist. Siwan.
9. The State Vigilance, Department through the S.P. (Vigilance), Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Amarendra Narayan, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27
		Mr. Mukund Mohan Jha, AC to GP-27
For the BSEB	:	Mr. Manish Kumar, Advocate
For the Vigilance	:	Mr. Anil Singh, Advocate
For the Resp No. 8	:	Mr. Krishna Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

14 01-08-2023 Let the report received from the Vigilance
Investigation Bureau which is kept in the envelope be opened.

2. Heard learned counsel for the petitioner, learned
counsel for the Bihar School Examination Board (hereinafter
referred to as the 'Board'), learned counsel for the State, learned
counsel for the Vigilance Investigation Bureau (hereinafter
referred to as the 'Bureau') and learned counsel for the
Respondent No. 8.

3. This writ application has been filed for issuance of



a writ in the nature of Writ of Mandamus commanding the respondents to issue the revised and corrected matriculation certificate and marksheet of the petitioner with correct date of birth for which he had submitted an application and original certificates/marksheet on 11.06.2014.

4. It is the case of the petitioner that he was born on 25.01.1994 at Siwan. He claims his date of birth 25.01.1994 as mentioned in the government issued certificates like Birth Certificate, Election Identity C, Aadhar Card and PAN Card etc. The petitioner further claims that he started his education in the middle school where his date of birth is recorded as 25.01.1994. He refers his date of birth said to have been entered into the Government Middle School, Salempur, Siwan on 24.05.2007 in Class V.

5. It is his statement in paragraph '6' of the writ application that the date of birth of the petitioner has wrongly been entered as 15.09.1998 in the matriculation result and certificate which is about four years ahead than his actual date of birth which is 25.01.1994. He further claims that he approached the Headmaster of the High School, Siwan as also the Secretary of the Board for correction of his date of birth whereupon his application was recommended.



6. According to the petitioner, the Headmaster of the Government Middle School, Salanpur, Siwan brought the copy of the Admission Register wherein there is an entry of date of birth as 25.01.1994.

7. It is submitted that at this stage the Board has rejected the request of the petitioner vide communication contained in Memo No. 1235/D dated 29.03.2017 (Annexure 'C' to the counter affidavit filed on behalf of the Board).

8. This order rejecting the request of the petitioner has not been challenged by the petitioner in the present case, however, a submission has been made that this Court may be pleased to issue a writ in the nature of Mandamus as prayed for.

9. Learned counsel for the Board has opposed this writ application on the grounds inter alia that by order of this Court when the Bureau inquired into the matter to see whether it is a case of fraud, the Bureau has submitted a report in this Court in which it has been found that under a conspiracy by tampering with the correct date of birth (15.09.1998) (which was entered in the register of the School, namely, Government Middle School, Salempur), the date of birth has been shown as 25.01.1994.

10. The Bureau has come to a conclusion that in



connivance with the student i.e. the petitioner and the then Headmaster of the School, the real date of birth (15.09.1998) has been changed to 25.01.1994. It has also been found that the Headmaster of the School put his seal and signature after changing the date of birth on 16.12.2014 and issued a second School Transfer Certificate showing the date of birth of the petitioner as 25.01.1994. This School Transfer Certificate has been issued on 16.12.2014 whereas the petitioner had already passed the matriculation examination in the year 2013 in Second Division.

11. The Vigilance officer has, therefore, taken a view that there was no justification in issuing a second School Transfer Certificate because such certificate is required only for purpose of admission in high school. There is a report that the conspiracy has been hatched between the student and the then Headmaster, namely, Sri Sita Ram Vishwakarma and the records have been fabricated.

12. Learned counsel for the Bureau has submitted that even from the naked eyes, the entry present on the Admission Register of the School may be found to have been interpolated as the figure '8' has been erased but the impression of that is still there and in place of '8', the figure '4' has been overwritten.



13. Having heard learned counsel for the petitioner, learned counsel for the Board, learned counsel for the State and learned counsel for the Bureau, this Court finds no illegality or infirmity in the decision of the Board as contained in Annexure 'C' to the counter affidavit.

14. The Bureau report is that it is a case of interpolation in respect of the year of birth and at this stage, the petitioner is seeking to change his date of birth only because in the date of birth of his younger brother, his date of birth has been recorded as 07.08.1998.

15. In the facts of the case and the report wherein the Bureau has specifically stated that in view of the materials, it seems to be a cognizable offence for which a case may be registered in local police station, while dismissing this writ application, this Court permits the Vigilance Investigation Bureau, Patna to proceed further on the basis of its report dated 30.08.2019 submitted to this Court vide Letter No. 172 dated 31.08.2019 addressed to the learned Registrar General of this Court. On registration of a case, it will proceed on its own merit.

16. This Court has purposely refrained from giving any observation on the report of the Bureau at this stage.

17. This writ application is dismissed with a cost of



Rs.5,000/- which will be deposited by the petitioner with the Patna High Court Legal Service Authority.

18. Let the registers produced before this Court be returned to learned counsel for the State and to the learned counsel for the High School so that the respective registers may be sent back to the Schools.

19. The bailable warrant of arrest issued against the Headmaster of the High School is hereby recalled.

20. The registers shall be kept intact by the Headmaster of the respective Schools in sealed cover and it will be their duty to produce the same as and when required.

21. The report of the Vigilance shall be kept in sealed envelope with the records.

22. Learned counsel for the petitioner has made a prayer to direct the Board to return the original certificates which are with the Board.

23. He is at liberty to file an appropriate application for this purpose which will be considered by the Board in accordance with law.

24. This writ application stands dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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