

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17086 of 2021

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Amit Kumar S/o Late Chandrika Prasad R/o C/o Shanti Devi, Near Bihar Police Mens Association Building, Nala Par, North Mandiri, P.S.- Buddha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board through its Secretary, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh, Adv.
For the Respondent/s	:	Mr.Lalit Kishore (AG)
For the BSEB	:	Mr.Satyabir Bharti, Adv.
		Ms.Kanupriya, Adv.
		Mr.Abhishek Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-03-2024

Reg: Interlocutory Application No.01 of 2022

1. The present I.A. has been filed for amending the writ petition and now the petitioner seeks quashing of the appellate order dated 18.08.2022, passed by the Secretary, Bihar School Examination Board, Patna.

2. I.A. No.01 of 2022, being formal in nature is not opposed, hence is allowed.

3. The Registry is directed to add the additional prayers made in paragraph no.1 of the present petition to the prayer portion of the main writ petition.

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4. At the outset, the learned counsel for the petitioner has submitted that the appeal has been dismissed vide order dated 18.08.2022, only on the ground of being time barred.

5. The learned counsel for the respondents has though opposed the present writ petition, however, he submits that in case this Court directs, the appeal filed by the petitioner would be heard on merits.

6. Having regard to the facts and circumstances of the case, I find that in the interest of justice and considering the equities prevailing in the present case, it would be appropriate to remand the matter back to the Appellate Authority, to decide the appeal of the petitioner on merits, hence the order dated 18.08.2022, passed by the Secretary, Bihar School Examination Board, Patna is quashed, however, the matter is remanded back to the appellate authority to consider the appeal filed by the petitioner on merits and pass a reasoned and a speaking order thereon, in accordance with law, within a period of six weeks from today.

7. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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