

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11192 of 2024

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Deepak Chauhan, Son of Late Munni Lal Chauhan @ Munnilal, Resident of
Village- Dharmapur, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home, Bihar, Patna.
2. The Secretary, Bihar Police Building Construction Corporation Limited, Patna.
3. The Chairman-cum-Managing Director, Bihar Police Building Construction Corporation Limited, Kautilya Nagar, Patna.
4. The Secretary, Bihar School Examination Board, Budh Marg, Patna.
5. The Examination Controller, Bihar School Examination Board, Budh Marg, Patna.
6. The District Education Officer, Patna.
7. The District Magistrate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate Mr. Ashutosh Kumar, Advocate Mr. Subodh Kumar, Advocate
For the Respondents No. 2 & 3	:	Mr. Prasoon Sinha, Advocate
For the Respondents No. 4 & 5	:	Mr. Satyabir Bharti, Advocate
For the State	:	Mr. Anjani Kumar, Sr. Advocate, AAG 4 Mr. Deepak Kumar Jamuar, AC to AAG 4 Mr. Utkarsh Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 29-07-2024

The petitioner claimed compassionate appointment in place of his father, who died in harness. The said application was rejected by the Secretary, Bihar Police Building Construction Corporation Limited, Patna. by order no. 211 of 2023 dated 15th June 2023. There are, mainly, two reasons for the rejection of the application of the petitioner for appointment on compassionate ground:-



(i) There is a discrepancy in the name of the father of the petitioner in the Secondary School Examination 2017 certificate issued by the Bihar School Examination Board, Patna (hereinafter, described as 'BSEB' for short). The father's name of the petitioner was recorded in the aforesaid academic certificate as Munna Lal Chauhan. However, in the certificate record, the name of the deceased was Munni Lal Chauhan. It is submitted by the learned counsel for the petitioner, referring to the school leaving certificate (Annexure 5) as well as the copy of the school Register (Annexure 6) that the father's name of the petitioner was recorded as Munni Lal Chauhan in both the said documents. This was the mistake committed by the BSEB.

(ii) The prayer of the petitioner was rejected on the ground that in BSEB, the Date of Birth of the petitioner was recorded as on 16th February 1996. However, in the School Leaving Certificate and school record, the Date of Birth of the petitioner was 16th February 1986. This is also a mistake committed by the BSEB.

2. Due to such a mistake, though, the petitioner was otherwise eligible for compassionate appointment, his prayer was not considered and rejected *vide Annexure 10* at page 38 of the instant writ petition. It is the duty of the writ petitioner to



file the correct School Leaving Certificate, if there is any error in the certificate issued by BSEB in the father's name or Date of Birth of the petitioner, the same can be corrected on the application filed by the petitioner.

3. It is further, submitted by the learned Advocate for the petitioner that the petitioner made an application before BSEB, Patna, but the authority did not rectify the said certificates.

4. In view of such circumstances, the instant writ petition is disposed of directing respondent no. 04 and 05 to rectify the certificate issued by BSEB, on due examination of the school records of the petitioner, in respect of his father's name and his Date of Birth, if such rectification is permissible on due examination of the school records, within 60 days from the date of this order.

5. The petitioner is at liberty to make the necessary application on the basis of such certificate, as issued by the respondent nos. 04 and 05, in favor of the petitioner, to the Secretary, Bihar Police Building Construction Corporation Limited, Patna to revisit his order number 211 of 2023 dated 15th June 2023 within 60 days thereafter. The petitioner is directed to communicate the order to the respondents, who will



act carefully.

6. The instant writ petition is thus, disposed of with
above observation.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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