

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.576 of 2022

In
Civil Writ Jurisdiction Case No.1514 of 2020

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1. The State of Bihar through the Secretary, Bihar School Examination Board, Bihar, Patna.
 2. The Chairman, Bihar School Examination Council/Board, Bihar, Patna.
 3. The Head Administrative Officer, Bihar School Examination Board, Patna.
 4. The Secretary of Examination Controller, Bihar Examination Board, Patna.

... .. Appellant/s

Versus

1. The Secretary, through Education Department Bihar, Patna.
2. The District Magistrate, Nawada.
3. The District Education Officer, Nawada.
4. The Head Master, Adarsh Higher Secondary School, Sirdala.
5. Sarswati Kumari Daughter of Umesh Mistri, Resident of Village- Parto Karharia, P.S.- Akbarpur, District- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay, GA-1
For the State : Mr. Apurva Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-02-2024

The writ petitioner who is respondent herein, is not represented.

2. We have heard the learned Government Advocate appearing for the appellants.

3. The only grievance raised, is with respect to the cost imposed.

4. It is pointed out that the certificate was not issued



since the school had not paid the requisite fees. The learned Single Judge found that, merely for the reason of the School having not paid the requisite fees, the student's career should not have been put in jeopardy. It is also found that though the marksheets were prepared on 29.05.2016, and the certificate was prepared on 28.04.2016, it was signed only on 29.05.2019. The said action was found to be completely arbitrary and unjustified, and hence, compensation of Rs. 5 lacs was awarded to the petitioner.

5. We cannot but opine that the action of the respondent-Board was arbitrary and unjustified. Merely, because the school had not paid the requisite fees, the students career should not have been put in jeopardy. However, it has to be noticed that the party respondents approached this Court only in the year 2020, after having sat for the matriculation examination in the year 2016.

6. The learned Government Advocate also placed before us CWJC No. 1166 of 2017, where another student had raised a similar contention. The student was directed to pay Rs. 5000/- as against the examination fee and the certificate was directed to be issued. Only considering the fact, that the student had not approached this court, at the appropriate time, we are of



the opinion that the cost imposed cannot be sustained. The cost alone would stand deleted.

7. The appeal stands disposed of.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

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