

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19631 of 2019

=====

Usha Kumari @ Usha Devi Wife of Suresh Ram, daughter Bijali Ram R/o Village and Post-Satwar, Police Station-G.G. Nagar Tarwara, District-Siwan, presently residing at Village-Faizullahpur, Post Office-Faizullahpur, Police Station-Baikunthpur, District-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. That Principal Secretary Human Resource Deptt., Govt. of Bihar, Patna
3. The Chairman Madhyamik Shiksha, Bihar School Examination Board, Patna
4. The Bihar School Examination Board Patna through its Secretary, Bihar School Examination Board, Patna
5. The Secretary Bihar School Examination Board, Patna
6. The Examination Controller Bihar School Examination Board, Patna
7. The Headmaster Utkramit Madhya Sah, Madhyamik Vidyalya Dumariya Purab, Anchal Sidhealiya, District-Gopalganj

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Yadav, Adv. Mr. Sushant Kumar, Adv.
For the BSEB	:	Mr. Gyan Shankar, Adv.
For the State	:	Mr.Jitendra Kumar Roy1 (Sc13)

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 29-07-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for the following
reliefs:

“(a) To quash the order contained in Memo Sanchika No. 729/2018/ S.P. 148 dt. 13.7.2019 issued under signature of Examination Controller (Madhyamik) Bihar School Examination Board, Patna whereby and where under Matric Certificate which was issued in the year 2014 in which petitioner declared pass,



has been cancelled on the ground of difference in Date of Birth in Matric Certificate of 2012 in which petitioner was declared failed.

(b) To direct the respondents Bihar School Examination Board to rectify and to make correction in the Date of Birth of Matric Certificate which was issued in the year 2014 in which the date of instead of 9.6.1994, 9.6.1995 has been written bearing Roll Code No. 93303, Roll No. 1400019 Panjiyan No. 93303- 32942-13.

(c) Any other relief/s for which the petitioner is entitled under the fact and circumstances of the case.”

3. Learned counsel for the petitioner submits that the petitioner had appeared in Matric Exam held in the year 2012 bearing Roll Code 92095, Roll No. 0210, Registration No. 92095-38783-11 with actual date of birth i.e. 09.06.1994. He submits that the petitioner was declared to be failed in the said examination, thereafter, she appeared second time in the Matric Examination in 2014 and she was declared to be passed. He submits that the first Matric form was filled up by the father of petitioner whereas IInd Matric form was filled up by her husband. He submits that in the second time date of birth has been wrongly filled up as 9.6.1995 in place of 9.6.1994.



Immediately, the petitioner filed an application before the Principal of concerned School on 04.03.2014 for necessary correction of year of birth in the admit card and Registration Certificate. He lastly submits that petitioner has filed several representations before the concerned authority but no action has been taken.

4. A counter affidavit has been filed on behalf of the Bihar School Examination Board in which it is stated that the respondent no. 6 through Letter No. 18. S.P-144 dated 01.07.2019 directed the concerned Headmaster to verify the fact whether the applications said to have been filed by the petitioner were received at his office or not and had further directed him to submit documents relating to date of birth of the petitioner, such as T.C., Guard File and Admission register etc. The Headmaster, complying with the direction of Respondent No. 6, had informed that no such application was submitted at his office neither any such application has been forwarded by him under his signature. It is further stated in the counter affidavit that respondent no. 6 through its Letter No. S.P.-493 dated 06.07.2019 again sent a notice to the petitioner apprising her about the letter of the Headmaster and explaining her the rule that if a student participates in two different examinations in two



different schools and years, his/her former result will be deemed to be valid and the latter will be deemed to be invalid. It was also stated to her that she has completed her Class-VIII from two different schools in the year 2007 and 2009 after taking her T.C. from the earlier school, which is illegal and a forgery on the part of the petitioner.

5. Considering the facts and circumstances of the case, this Court is not in a position to pass positive order in favour of the petitioner.

6. Accordingly, this writ petition is disposed of with a direction to the petitioner to file a representation before the respondent no. 7, Headmaster, Utkramit Madhya Sah, Madhyamik Vidyalya Dumariya Purab, Anchal Sidhealiya, District-Gopalganj who shall dispose of the same in accordance with law.

(Anjani Kumar Sharan, J)

devendra/-

U			
---	--	--	--

