

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11335 of 2021

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Tasnim Daughter of Late Rashid Ahmad Siddique and Wife of Wasi Ahmad
Residence at Mohalla- Ward No.- 14, Kalibag (Naya Tola) Near Library
Cinema, Betia (West Champaran), Pin Code- 845438 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director Primary Education Department, Bihar, Patna.
3. The Chairman, Bihar State Madrasa Education Board, Patna.
4. The Secretary, Bihar State Madrasa Education Board, Patna.
5. The Controller of Examination, Bihar State Madrasa Education Board,
Patna.
6. The Principal, Madrasa Darus Salam, Sikta, West Champaran (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Respondent/s : Ms. Nutan Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-08-2025 Heard Mr. Subodh Kumar, learned counsel

appearing on behalf of the petitioner and Ms. Nutan Sahay,

learned counsel for the State.

2. The petitioner in paragraph no. 1 of the present writ
petition has sought *inter alia* following relief(s), which is
reproduced hereinafter:

*"(i) To issue a writ of mandamus directing the
respondent authorities to issue correct duplicate certificate
of Fauquania Examination (equivalent to Matric) and
marks sheet of the petitioner as issued marks sheet dated
27.8.1979 (Annexure-1) with correct date of Birth 7-1-1967
in place of 7-1-1961 and correct Name Tasnim in place of
Md. Tasnim.*

*(ii) To issue pass such other writ/writs,
direction/directions against the respondent authorities to*



which the petitioner found entitle."

3. Petitioner is aggrieved by the action of the respondent authorities, who have made her to retire on the basis of date of birth mentioned in the incorrect duplicate certificate and marks sheet of Fauquania Examination (equivalent to Matric) in which, name, of the petitioner has been shown as Md. Tasnim in place of Tasnim and date of birth has been shown as 07.01.1961 in place of 07.01.1967 while, in the original certificate and mark-sheet, the name of the petitioner has been shown as Tasnim and date of birth as 07.01.1967.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner had appeared in the Fauquania Examination having Roll No. 4154, Registration No. 5995 in the year 1978 and the result was published in the year 1979 showing name of the petitioner as Tasnim and date of birth 07.01.1967. However, in duplicate certificate, her name and date of birth has been incorrectly typed or the same relates to another person. The said duplicate certificate has been brought on record by way of 'Annexure-6' to the writ petition. He further submitted that the petitioner has been made to retire on the basis of date of birth mentioned in the duplicate certificate, which don't belong to her.



5. *Per contra*, learned counsel appearing on behalf of the State submitted that the matter relates to the 'Covid-19' period and the file has not been allotted to her, however, she submitted that the relief as has been prayed in the present writ petition, don't find any consideration in view of the fact that disputed question of fact has been raised in the present writ petition and the writ petition deserve to be dismissed *In limine*.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, as well as, having considered the facts, which has been pleaded on the basis of evidence, which has been brought on record, I find that the same appears to be disputed fact, which requires to be adjudicated before the appropriate forum.

8. The petitioner, if so advised, may file a detailed representation before the Regional Deputy Director Education (R.D.D.E.) for consideration of her case and the Regional Deputy Director Education (R.D.D.E.) is directed to call upon the service particulars, as well as, service book and original documents relating to the petitioner from the Bihar State Madarsa Education Board and after verifying the same, dispose of the representation of the petitioner expeditiously in



accordance with law.

9. The Chairman of the Bihar State Madarsa Education Board is also directed to authorise a competent person to appear before the Director, Primary Education so that the Director, Primary Education arrive at a definite finding in respect of the petitioner, who has been forced to retire on the basis of certificate, which she has alleged that the same don't belong to her and take remedial/corrective measures if the claim of the petitioner is based on evidence.

10. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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