

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12143 of 2024

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1. Arya Manshi under the Guardianship of father namely Sanjay Kumar, Resident of Village- Piro Ward No. 13 P.S. Piro, District Bhojpur.
 2. Saumya Bharti under the Guardianship of her mother Rinku Kumari, Resident of village Mokhtiyarpur, P.S. Dalsingh Sarai, District Samastipur.
 3. Hema Raj under the Guardianship of her father Munna Kumar Mehta, Resident of village Arai Benipur, P.S. Daniawa, District Patna.
 4. Shyama Rani under the Guardianship of her father Shailesh Kumar, Resident of Village Bhawanipur P.O. and P.S. Goh, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Patna.
2. The Director Secondary Education, Department of Education, Bihar, Patna.
3. The District Magistrate, Jamui.
4. The Principal Simultalla Awasia Vidyalaya P.S. Simultalla, Block Jhajha, District Jamui, Bihar.
5. The Secretary Bihar School Examination Board, Patna.
6. The Controller of Examination, Bihar School Examination Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No.II, Adv.
For the State		Mr. Arvind Kumar, AC to GA-9
For BSEB		Mr. P.K. Shahi, Sr. Adv.
		Mr. Girjish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 10-01-2025 Heard learned counsel for the parties.

2. This writ petition has been filed for a direction to the respondent-authorities to enroll the petitioners in School Admission Register pursuant to Main Entrance Examination Result, 2024 in which all the petitioners have got placed in merit list at different serial nos. 4, 13, 25 and 11 respectively under unreserved and SC category.



3. Learned counsel for the petitioners submits that the petitioners have appeared in the examination of Simultalla Awasia Vidyalaya in Class-VI for Session 2024-25 and qualified in such test. Thereafter, result was published in which petitioners have placed at serial nos. 4, 13, 25 and 11. Learned counsel for the petitioners further submits that all the petitioners have appeared in Medical examination, thereafter, no any information in writing has been issued to them with regard to the medial report, but they have been telephonically informed that their ages are beyond the prescribed limit and as such, their admission in the said school are denied. He further submits that all the petitioners have submitted their birth certificate issued by the competent State Authorities and on the basis of their Adhar Card the candidature was accepted and they have been allowed to appear in the entrance test. He submits that it was not mentioned in the advertisement, which was issued for the admission in the said school, that after qualifying the written examination the candidates will appear before the medical board for their medical examination. He further submits that the birth certificate issued by the State Authorities are the primary evidence U/S 62 of the Indian Evidence Act and the same will prevail over the medical opinion.



4. Considering the facts and circumstances of the case, this writ petition is disposed of with a direction to the respondent-authorities especially respondent no. 4 to take the admission of the petitioners within four weeks from the date of receipt/production of a copy of this order.

(Anjani Kumar Sharan, J)

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