

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1107 of 2023

In
Civil Writ Jurisdiction Case No.19174 of 2019

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Mithilesh Kumar Chaudhary, Son of Late Narayan Choudhary Resident of
Mohalla- Rajapur, Indira Nagar, P.S. Patliputra, Town and District- Patna, Pin
Code- 800001, State- Bihar.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Bihar School Examination Board, (Senior Secondary), Budh Marg, Patna through its Chairman.
4. The Chairman, Bihar School Examination Board, (Senior Secondary), Budh Marg, Patna.
5. The Secretary, Bihar School Examination Board, (Senior Secondary), Budh Marg, Patna.
6. The Deputy Secretary (Establishment), Bihar School Examination Board, (Senior Secondary), Budh Marg, Patna.
7. The Joint Secretary-cum- Incharge Secretary, Bihar School Examination Board, (Senior Secondary), Budh Marg, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Birmani Kumar, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13
For the BSEB	:	Mr. Sunil Kumar Mandal, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

9 01-07-2025 Heard learned counsel for the parties.

2. The appellant stood convicted in a criminal case on the charge of his having furnished a wrong certificate to a candidate, showing him as having passed in 1st class whereas the register reflected that the candidate in question had passed in 3rd



division. Based on his conviction in the criminal case, the appellant was dismissed from service.

3. When the dismissal order was challenged by the appellant before the Writ Court, it was observed that notwithstanding the fact that the power of dismissal is with the Chairman but the order was passed by the Secretary and that no departmental proceeding was initiated against him, if the appellant will be successful in the appeal, he would be entitled to approach the authorities, and in that event, necessary consequential orders would be passed.

4. Considering this factual scenario, we do not find any fault with the judgment impugned in the present petition.

5. Mr. Devendra Kumar Sinha, the learned Senior Advocate, after some arguments, seeks permission to withdraw this appeal with the liberty to the appellant to approach the Court, if so desired, only after he is acquitted of the criminal charges.

6. Dismissed as withdrawn with the liberty aforesaid.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Rajesh/Saurabh

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