
(2018) 01 JH CK 0087

In the Jharkhand High Court

Case No : Writ Petition (C) Nos. 5727, 5728 Of 2015

Barun Kumar Khan and Ors

APPELLANT

Vs

State Of Jharkhand and Ors

RESPONDENT

Date of Decision : 02-01-2018

Acts Referred:

Citation : (2018) 01 JH CK 0087

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Advocate : Rajiv Ranjan, Shresth Gautam, Ashish Verma

Final Decision : Dismissed

Judgement

Rajesh Shankar, J

1. The present writ petitions have been filed for issuance of direction upon the respondents to declare the final results of the petitioners, who had appeared in the Annual Intermediate Examination, 2015 (Science Steam), as the same has been withheld without assigning any cogent reason as a consequence thereof, they are unable to pursue their career in the respective streams of their choice and their career is in jeopardy. Learned counsel for the petitioners submits that the Annual Intermediate Examination, 2015 was conducted by the Jharkhand Academic Council (in short JAC) in which the petitioners had appeared. After the said examination, the results were declared, however, so far as the petitioners are concerned, their results were withheld by the respondents. The petitioners approached the respondent-JAC in order to ascertain the reason for withholding of their results. Thereafter, they came to know that pursuant to the direction issued by the Deputy Commissioner, Jamtara with regard to certain irregularities committed in the said examination, an enquiry was conducted in which 17 students were examined and on comparison of their hand writings in the answer sheets, certain anomalies were found. An FIR being Nala P.S. Case No. 132/2015 was also lodged for the same against one Vikram Mandal (a teacher of Nala Inter

College, Nala) and other unknown persons. Subsequent to filing of the present writ petitions, I.A. No. 6975/2015 & IA No. 6974/2015 have been filed by the petitioners bringing on record the order dated 10.12.2015 passed by the Secretary, JAC (respondent No. 5) by reasons of which several students including the petitioners have been expelled from the said examination, however, they have been granted liberty to appear in the Annual Intermediate Examination to be conducted in the subsequent year i.e. 2016. It is further submitted that the respondent-JAC has committed illegality in expelling the petitioners from the said examination and declaring their results to be invalid without issuing any show cause notices to them.

2. Per contra, the learned counsel for the respondent-JAC while referring to the counter affidavit filed on behalf of the respondent Nos. 4 & 5, submits that on verification/enquiry, 93 examinees including the petitioners were found involved in using unfair means in the Annual Intermediate Examination, 2015. The Unfair Means Committee in its proceeding dated 7.12.2015 made recommendation to expel 93 examinees from the said examination with further recommendation that those examinees may be permitted to appear in the Annual Intermediate Examination, 2016. The respondent No. 5 vide the impugned order dated 10.12.2015, has accordingly expelled 93 students including the petitioners from the said examination, however, they were allowed to appear in the Annual Intermediate Examination to be conducted in the next year i.e. 2016.

3. Considering the fact that the order dated 10.12.2015 has been passed by the respondent No. 5 pursuant to filing of the present writ petitions, which has been challenged by the petitioners by way of filing I.A. No. 6975/2015 & LA. No. 6974/2015, the order dated 11.12.2015 passed by the respondent No. 5 is allowed to be treated as part of the writ petition.

4. Heard learned counsel for the parties and perused the relevant documents available on record. It appears that the respondent-JAC got an enquiry conducted with regard to the allegation of unfair means used by several students in the Annual Intermediate Examination, 2015 at the examination centre (Nala Inter College, Nala) and on the basis of recommendation of "Unfair Means Committee", 93 students including the petitioners were expelled from the said examination on the allegation of using unfair means by the order of the respondent No. 5 dated 11.12.2015. However, vide said order, the said students including the petitioners were allowed to appear in the subsequent Annual Intermediate Examination, 2016.

5. In view of the fact that 93 students including the petitioners were found using unfair means in the Annual Intermediate Examination, 2015 and on due enquiry, the same has been found to be correct, I see no infirmity in the impugned order dated 10.12.2015 passed by the respondent No. 5. It is also noticed by this Court that the respondent No. 5, vide impugned order dated 10.12.2015 has, however, allowed the petitioners to appear in the Annual Intermediate Examination, 2016. The present writ petitions being devoid of merit are,

accordingly, dismissed.