
(2001) 02 PAT CK 0021
In the Patna High Court
Case No : C.W.J.C. No. 6028 of 1999

Bhulan Singh

APPELLANT

Vs

The Bihar School Examination Board, Patna and Others

RESPONDENT

Date of Decision : 06-02-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 2 PLJR 403

Hon'ble Judges : Radha Mohan Pd., J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Radha Mohan Pd., J.—In this writ petition, prayer is to direct the respondents authorities to send the verification report in regard to the genuineness of the Matriculation Certificate granted by the Board to his son, namely, Manoj Kumar Singh, to the Warrant Padadhikari, Wayu Sainik Chayan Kendra, Bhubneshwar in terms of letter no. 2038 dated 8.6.1999. The dispute involved in the present case is in regard to the date of birth of the son of the petitioner which, according to the petitioner, was corrected by the authority concerned of respondent Board as 3.2.1979 vide letter no. 2038 dated 8.6.1999.

2. According to the case of the Board, the date of birth of the son of the petitioner, is 3.2.1978 (3rd February, 1978). In the counter affidavit it is alleged that Marksheet No. 94/A33591 and Certificate No. 94/C 675394 received from the Squadron Leader, which the petitioner has submitted seeking appointment as Airman, on verification have been found forged as the same have not been issued from the office of the respondent Bihar School Examination Board. It is alleged that in the said forged certificate the date of birth as 3.2.1979 is wrongly mentioned and the same is a forged one. According to the Board, later so-called amendment in the date of birth of the petitioner was made on producing a false admission register, marksheet, though he appeared as a private candidate in the examination and according to case in the rejoinder filed by them amendment

order in the date of birth of the petitioner's son has already been cancelled and in the tabulation register, the same has been entered into, it is further stated that the information about the same has already been sent to the Squadron Leader, vide letter no. 226 dated 25.11.1998, contained in Annexure A to the counter affidavit.

3. Learned counsel for the petitioner has submitted that the respondent Board is not correct in the stand taken in the counter affidavit that the marksheet and the certificate produced by the petitioner are forged and that the date of birth as 3.2.1979 was wrongly mentioned therein. In support of this, learned counsel for the petitioner has submitted that it is not disputed by the Board that the petitioner's son had appeared in the Annual Examination, 1994 with Roll Code 09234 and Roll No. 0377 and had secured first division. According to the learned counsel, these facts are also borne out from the marksheet and the certificate produced by him and a photo copy of which have also been annexed as Annexure 5 and 6 to the supplementary affidavit filed on behalf of the petitioner on 22nd February, 2000. It is submitted that both the marksheet as well as the certificate bear the same roll code and roll number and also about the result of the petitioner's son that he passed in the first division in 1994 Annual Examination. As such, according to the learned counsel, there is no basis for the Board coming to the conclusion that the marksheet and the certificate are forged one.

4. On the other hand, learned counsel for the Board has submitted that the Board on thorough verification of the record available has come to the conclusion that the date of birth of the petitioner's son is 3.2.1978 and that the claim of the petitioner that the same was later verified vide Annexure 3 is also not correct as it is not a genuine one. Moreover, it is submitted that having regard to the fact that the marksheet and the certificates have been found to be forged and that in the record of the Samiti, the date of birth of the petitioner's son is 3.2.1978, it is not a fit case for adjudication by the writ Court where disputed question of fact and about the genuineness of the marksheet and the certificate, photo copies of which have been produced by the petitioner, are involved.

5. Having regard to the facts and circumstances aforementioned, this Court directed the learned counsel for the petitioner to produce the originals of the said marksheet and the certificate, but he failed to produce them. As such, this Court finds it difficult to accept the genuineness of the same. Moreover, bare perusal of Annexures 5 and 6 shows that the school name of the petitioner is shown as S.K.J.R. High School in the marksheet and in the certificate it is mentioned as S.K.J.R.H.S., Maharajganj whereas in paragraph 14 of the rejoinder filed on behalf of the Board on 27.8.1999 it is stated that the petitioner's son got his date of birth amended as 3.2.1979 on producing false admission register and the marksheet although the petitioner had appeared as a private candidate in the examination. On this statement of the Board in the rejoinder affidavit, this Court finds it difficult to accept the genuineness of the marksheet and the certificate, photo copies whereof have only been produced as Annexures 5 and 6. Having

heard learned counsel for the parties and having regard to the facts aforementioned, this Court does not find it to be a fit case for exercise of the writ jurisdiction under Article 226 of the Constitution. The writ petition is, thus, dismissed.