

(1999) 03 PAT CK 0051
In the Patna High Court
Case No : C.W.J.C. No. 8654 of 1991

Kalpna Sinha and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 11-03-1999

Acts Referred:

Citation : (1999) 03 PAT CK 0051

Hon'ble Judges : G.S. Sharma, J;B.N. Agrawal, J

Bench : Division Bench

Advocate : Bhupendra Narain Yadav, Satyendra Narain, for the Appellant; S.A. Hussain, A.K. Mishra No. 2 for State, for the Respondent

Judgement

1. Heard the parties. This writ application has been filed for quashing order dated 21st November, 1990 passed by the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur, respondent no. 4 contained in Annexure 5 and that dated 26.4.1991 issued by respondent no. 4 contained in Annexure 5A whereby admission of the petitioners in Women's Primary Teachers Training College, Dighi, within the district of Vaishali has been cancelled. The short facts are that all the three writ petitioners had appeared in the year 1987 in Prathma Examination of Hindi Sahitya Sammelan, Allahabad, but due to no fault of the petitioners, their results could not be published in that year but the same was published in the year 1988. The State Government had taken a decision to recognise Prathma Certificate given by Hindi Sahitya Sammelan Allahabad certificate equivalent to matriculation upto 31st December, 1987. After passing Prathma examination from the aforesaid institution the writ petitioners were admitted in the aforesaid college at Dighi. Thereafter the respondent no.4 has cancelled their admission on the sole ground that these petitioners passed the Prathma examination from the aforesaid institution after 31st December, 1987, which necessitated filing of the present writ application. At the time of admission as the examination was going to be held by order dated 6.8.1992, it was directed that the petitioners shall be allowed to appear in the examination but publication

of result was stayed.

2. Learned counsel appearing on behalf of the petitioners pointed out that similar question was raised before this Court by one Rajesh Kumar Roshan by filing a writ application which was registered as C.W.J.C. No. 5553 of 1990 and the said writ application was disposed of on 2.5.1991. In that case also the writ petitioner had appeared in the Prathma examination from the aforesaid institution in the year 1987 but his result was published in the year 1988. This Court was of the view that writ petitioner cannot be allowed to suffer because of delaying publication of result. Therefore, it was directed that Prathma certificate granted to him from Hindi Sahitya Sammelan, Allahabad, shall be treated to be equivalent to matriculation in respect of 1987 examination. The present case also relates to 1987 examination from the aforesaid institution. In our view, the present case is squarely covered by the said decision and the petitioners are entitled to similar reliefs.

3. Accordingly, the writ application is allowed, orders contained in Annexures 5 and 5A are hereby quashed and it is directed that Prathma certificate granted to the writ petitioners by Hindi Sahitya Sammelan, Allahabad, shall be treated to be equivalent to matriculation and they shall be treated to have been rightly admitted in the college in question. As the petitioners' admission was valid, the authorities are directed to publish their results for appearing in the examination in which they have appeared, pursuant to the aforesaid interim order passed by this Court dated 6.8.1992. With the aforesaid direction this writ application is disposed of.