
(2004) 02 PAT CK 0101
In the Patna High Court
Case No : C.W.J.C. No. 8686 of 2003

Kameshwar Singh

APPELLANT

Vs

Bihar School Examination Board and Others

RESPONDENT

Date of Decision : 03-02-2004

Acts Referred:

Citation : (2004) 2 PLJR 233

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Judgement

Narayan Roy, J.—Heard counsel for the parties.

2. Grievance of the Petitioner is that result of his son of matriculation examination has arbitrarily been cancelled which he knew from the cross list sent to the school in question.

3. It is submitted by learned Counsel for the Petitioner that though son of Petitioner had faired well in the matriculation examination and had secured sufficient marks, his result has been cancelled only on the ground that by look he appeared to be aged about more than twenty years whereas according to the school-records his date of birth is 11.6.1988.

4. A counter affidavit and also a supplementary counter affidavit have been filed on behalf of the Respondent-Board stating therein that large numbed of students above age of 14 years have appeared in matriculation examination by reducing their date of birth and the board, faced with this situation, examined such cases and gave individual notice to such candidates and in case of the son of the Petitioner, notice as contained in Annexure 4 was given to him and the son of the Petitioner appeared before the board where his age was assessed to be as 20 years and not as fourteen and half years and thereafter his result was cancelled.

5. From Annexure 4 of the writ application and Annexure-B to the counter affidavit, it would appear that notice was given to the son of the Petitioner to

explain as to whether he is above 14 years of age and ultimately his age was found to be of 20 years. However, from Annexure-B to the counter affidavit, it appears that the authorities of the board assessed the age of the son of the Petitioner as twenty years and no scientific measure was applied to determine his date of birth. The assessment of age by the look of the candidate, in my opinion, would be deceptive and it would not be a scientific measure to determine his age. In such case, the board could have referred such candidates to the medical board and on report of it, necessary action could have been taken. Since it has not been done in the case at hand, the assessment made by the Respondent-board of the age of the Petitioner's son, therefore, cannot be relied upon.

6. Under the circumstances, Respondent-board is directed to firstly assess the age of the Petitioner's son by referring him before the medical board and on the basis of the report of the medical board, necessary orders will be passed by the Respondent-board either declaring his result or cancelling the same.

7. With the aforementioned observation/direction, this application is disposed of.