

(2009) 02 JH CK 0099
In the Jharkhand High Court

Pravin Kumar

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 03-02-2009

Acts Referred:

Citation : AIR 2009 Jhar 103

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.G.R. Patnaik, J.—In this writ application the petitioner has challenged the order dated 13.12.2006 passed by the State Consumer Redressal Forum Ranchi whereby the order passed by the District Consumer Forum, Garhwa was set aside.

2. The petitioner's case is that he has passed his Matriculation Examination in the year 1988 under the Bihar School Examination Board, Patna. He had appeared in the Board Examination from Rama Sahu Arya Vedic High School, Garhwa. An admit card was allotted to the petitioner by the Board for the Matriculation Examination under the Roll No. 03133 and Registration No. 0312005797087. The contention of the petitioner is that in the School Admission Register, his name was recorded as Praveen Kumar son of Rajendra Sao. He had passed the Matriculation Examination and on obtaining the Matriculation Certificate in the year 1988, he found that in the Matriculation Certificate his name has wrongly been mentioned as Pravin Kumar Keshari son of Rajendra Prasad Keshari. The petitioner at that time did not attach any great relevance in the error of his name as mentioned in the Matriculation Certificate since in spite of the incorrect name he could pursue his higher education and had passed his Intermediate, Graduation and L.L.B. examinations on the basis of the School Leaving Certificate. It was when the petitioner wanted to enroll himself as a member of Bar Council of India and the High Court Bar Council that the error in his name in the Board Certificate was pointed out. The petitioner had therefore

wanted correction of his name in the certificate issued to him by the Board and applied to the District Education Officer, Garhwa for forwarding his application to the Board for making the necessary correction. The District Education Officer sent a requisition to the school concerned for obtaining the School Admission Register but the same was not made available by the school authorities to him. Consequently the District Education Officer rejected the petitioner's application on the ground that in absence of requisite documents including the School Admission Register, no order for forwarding of petitioner's application can be passed.

The petitioner thereafter approached the District Consumer Forum, Garhwa with a prayer for a direction to the District Education Officer to forward his application to the Bihar School Examination Board. The District Consumer Forum allowed his prayer giving a direction to the District Education Officer to forward the petitioner's application and had also imposed a fine of Rs. 10,000/- upon the District Education Officer.

The District Education Officer challenged the order of the District Forum before the State Consumer Redressal Forum, Ranchi. By the impugned order, the State Consumer Redressal Forum set aside the order of the District Consumer Forum. Against this order of the State Consumer Redressal Forum, the petitioner has filed the present writ application.

3. Learned Counsel for the petitioner submits that the petitioner has been illegally deprived of his right to claim correction of his name in the certificate issued by the Board and as a result thereof, the petitioner is being deprived of obtaining his enrollment at the Bar.

4. A counter affidavit has been filed on behalf of the respondents. Learned Counsel for the respondents would explain that as would be evident from the very pleadings of the petitioner, the Matriculation Certification was given to him way back in 1988 itself but he never bothered to raise any protest or objection in respect of his name as recorded in the certificate. After more than 16 years, the petitioner has now sought for correction in the Matriculation Certificate. Learned Counsel explains further by referring to a copy of the Rules stipulated by the Bihar School Examination Board, that a student who wants correction of the name registered with the Board should file his application for correction either one month prior to the date of examination or within six months from the date of issuance of the certificate by the Board. Learned Counsel adds further that the petitioner's claim for correction of his name in the School Leaving Certificate cannot therefore be entertained at such a belated stage.

5. From the perusal of the impugned order, it appears that the learned State Consumer Redressal Forum has dismissed the petitioner's claim by recording the following observations:

(i) The complainant failed to produce the original Admit Card issued by the Bihar School Examination Board, Patna before the District Consumer Forum. However,

it was produced before us in Court. A perusal of the original Admit Card No. 730703 issued by the Board to the Complainant - Respondent herein reveals that the school authority mentioned his name as "Praveen Kumar Keshari" and that of his father as "Rajendra Kumar Keshari" with Registration No. 0132005/970 in the form of the Admit Card duly filled in & sent to the Board along with Examination Form and fee. Not only this, the Complainant - Respondent also put his signature thereon as "Praveen Kumar Keshari".

(ii) In such circumstance, there was nothing on the records of the Board to mention the name of the Complainant - Respondent in the certificate only as "Praveen Kumar". It is not correct to say that the Board at its own added the work "Keshari" after "Praveen Kumar" in his name and that was a mistake on the part of the Board. We, therefore, find no error/mistake committed by the Bihar School Examination Board in this regard.

In the light of the above facts and circumstances as explained in the observations recorded by the State Consumer Redressal Forum, I do not find any reason to interfere with the findings of the State Consumer Redressal Forum. I am of the opinion that this application is devoid of any merit, accordingly, this application is dismissed.

However, the petitioner may, if he so desires, approach the Secretary of the Bihar School Examination Board with his prayer for the necessary corrections as desired by him.