
(2012) 08 JH CK 0016

In the Jharkhand High Court

Case No : Writ Petition (C) No. 7550 of 2011

Rohini Marandi and Nabab Ansari

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 08-08-2012

Acts Referred:

Citation : (2012) 08 JH CK 0016

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : Indrajit Sinha, for the Appellant; M. Sohail Anwar , Mr. Rajesh Kumar, Advocate for the JAC, for the Respondent

Judgement

Narendra Nath Tiwari

1. The petitioners are fathers of the students of Class-X studying in Dhobna High School, Jamtara. Their wards had studied in the school and had completed full course for appearing in the Matriculation examination to be held in 2013. For that purpose, the students have to be registered with the Jharkhand Academic Council. The petitioners' wards, therefore, applied for registration with the Jharkhand Academic Council in the prescribed format, but the Jharkhand Academic Council did not accept their applications. The petitioners came to know that there is some dispute in the matter of recognition of the said school. So far as the petitioners are concerned, they observed that the students were studying in the said school and were allowed to appear in the Matriculation examination even from the time when the school was in the State of Bihar before re-organisation of the State of Jharkhand and the then Bihar School Examination Board allowed the students to appear and issued certificates. The petitioners are not at fault and their wards along with other students have completed the course and are eligible for appearing in Xth examination. Even the Jharkhand Academic Council has allowed the students of that school to appear in the examination till 2010. There is no reason why the registration of their wards is refused by the Council. However, the application for registration has not been accepted and the

fate of their wards is hanging in balance. Having no alternative, the petitioners have filed this writ petition.

2. The writ petition has been opposed by the Jharkhand Academic Council. In the counter affidavit filed by them it has been stated, inter alia, that Dhobna High School, Jamtara is neither a recognized school from Government nor it has permission of establishment. The Jharkhand Academic Council has to conduct examination of the institutions recognized by the State Government only as provided in the Jharkhand Academic Council Act. Since Dhobna High School, Jamtara is not recognized institution, the respondents cannot accept registration application of the students.

3. I have heard Learned Counsel for the parties.

4. It has been submitted on behalf of the petitioners that from past several years the students studying in the said school were allowed to appear in the Board examination held by the Bihar School Examination Board and after re-organization of the State the Jharkhand Academic Council has also accepted registration and allowed the students of the school to appear in the examination till 2010. The petitioners and their wards are not at fault and there is no justification for the Jharkhand Academic Council to suddenly refuse registration of the petitioners' wards for Xth examination.

5. Mr. M. Sohail Anwar, learned senior counsel appearing on behalf of the Jharkhand Academic Council, on the other hand, submitted that the Council has to take examination only of the students of the school which is recognized by the State Government. The school in question is not recognized. If some of the students were allowed to appear earlier without verifying the records, the same cannot be a ground for the petitioners or their wards for enforcing their rights of registration with the Academic Council. Learned Counsel submitted that the petitioners' wards may not be at fault, but the law does not permit to accept registration of the students of a school which is not recognized by the State Government. The students, however, have option to appear as private candidates through any recognized school and they can be accommodated through any such school by the concerned authorities of the District.

6. Having heard Learned Counsel for the parties and considering the said facts, circumstances and submissions, this writ petition is disposed of giving liberty to the petitioner to approach the District Education Officer, Jamtara, who is said to be the competent authority in the matter, requesting him to allow their wards/students studying in Dhobna High School, Jamtara to appear as private candidates from any other recognized school of the District. If such representation is filed by the petitioners' wards/students of the said Dhobna High School, the District Education Officer, Jamtara shall consider the same and try to accommodate the students for their registration through any other recognized high school in order to enable them to appear in the ensuing final Xth examination, 2013 to be conducted by the Jharkhand Academic Council.