

(2021) 01 PAT CK 0161

In the Patna High Court

Case No : Letters Patent Appeal No. 107 Of 2016, Civil Writ Jurisdiction Case No. 12764 Of 2013

Sudha Kumari

APPELLANT

Vs

Chairman, Bihar Sanskrit Shiksha Board And Ors

RESPONDENT

Date of Decision : 21-01-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 01 PAT CK 0161

Hon'ble Judges : Sanjay Karol, CJ;Prabhat Kumar Singh, J

Bench : Division Bench

Advocate : Bindhyachal Singh, Umesh Kumar, Mukund Mohan Jha, Anil Singh, S.S. Sundaram, Rabindra Pd. Singh

Final Decision : Disposed Of

Judgement

1. The instant Letters Patent Appeal has been filed against the judgment dated 29.10.2015 passed by a learned Single Judge of this Court in C.W.J.C.

No. 12764 of 2013, titled as Sudha Kumari Vs. The Chairman, Bihar Sanskrit Shiksha Board, Patna & Ors., whereby the said writ petition stood

dismissed.

2. Having heard learned counsel for the parties, we are of the considered view that no case for interference is made out with the impugned judgment

dated 29.10.2015 passed in C.W.J.C. No. 12764 of 2013, titled as Sudha Kumari Vs. The Chairman, Bihar Sanskrit Shiksha Board, Patna & Ors.

3. The writ-petitioner had approached the Court by filing a petition under Article 226 of the Constitution of India, seeking quashing of Annexure-4

dated 23rd of November, 2012, whereby petitioner's request for issuance of original certificate for having cleared the examination for the course

of Madhyama stood rejected.

4. The facts of the case being that the appellant/petitioner was a student of Madhyama in the Baidie Sahitya High School, the examination for which is conducted by the Bihar Sanskrit Shiksha Board, Patna. The petitioner appeared and passed with First Division in the Madhyama Examination-2000.

The mark-sheet, provisional certificate and the School Leaving Certificate was issued by the concerned school. The petitioner then applied for the post

of Anganwari Sevika and as per the merit list, she was selected as Sevika. The problem arose when the petitioner was to produce original certificate,

and demanded the same from the Examination Board, the Sanskrit Shiksha Board had submitted that no such candidate in the name of the appellant

had appeared in the examination and the roll number that has been shown by the appellant is the roll number of one Kumari Shalinta Suman.

5. The learned Single Judge did not find favour with any one of the contentions raised by the petitioner, appellant herein, and in Paragraph Nos. 7 to 9

has observed as under:

7. The Court therefore directed the counsel representing the Sanskrit Shiksha Board to produce the original register from where entries could be

verified. The original register for the year 2000 was produced before the Court. The relevant entries were shown not only to the Court but even to the

counsel for the petitioner on which counsel for the petitioner reacted in a very unprofessional and unbecoming manner. He tried to hurl all kinds of

accusation against the Board and the counsel on record. Obviously, it was a reaction against being cornered on false pleadings and assertions, which

were made in the writ application to beget a relief.

8. The Court after having verified the register does opine that the register is authentic. The entries have been made in a sequence. There is neither

any cutting, over-writing or insertion of any kind and that the stand of the Board reflected in para 8, 9 and 10 of the counter affidavit is corroborated

thorough and through.

9. If this is the position then obviously the petitioner has tried to use a forged or fabricated Xerox copy of admit card or a mark-sheet to beget a mark-

sheet which is not available to her. In fact, looking at the admit card and the over-writing therein could be an indicator that there is deliberate effort of

interpolation made by the petitioner or on her behalf. Her sister was a candidate

in the said examination and based on the documents of her sister, certain interpolations have been made and writ application filed by making all kinds of allegations against the Sanskrit Shiksha Board. Such conduct of the petitioner is therefore condemnable and the petitioner does not deserve any benefit or relief in view of such controversial facts and circumstances.â??

6. During the pendency of the present appeal, on 24th of September, 2019, a Coordinate Bench of this Court had passed an interim order, which reads as under:

â??In this case the present appellant is claiming that she has done Madhyama through the Vaidic Sahitya Sanskrit High School, was allotted roll No.

127, Code No.64, Registration No. 1029 of 2000. It has been submitted that she was declared pass in First Division and accordingly mark-sheet was

issued including the provisional certificate. When finally she was selected as Anganbari Sevika and she was to produce original certificate, demanded

the same, the problem started taking plea that the aforesaid Roll no. 127 was allotted to Kumari Shalinta Suman and the Sanskrit Shiksha Board has

submitted that no such candidate in the name of the appellant had appeared in the examination. In support of the submission learned counsel for the

appellant attached the mark-sheet, provisional certificate and admit card wherein the name of the school has shown as Vaidic Sahitya Sanskrit High

School, Attasarai and the information was given by the Sanskrit Shiksha Board that the roll number which has been shown by the appellant is the roll

number of Kumari Shalinta Suman.

It has been submitted by the learned counsel for the appellant that the appellant and her sister prosecuted their study in the Vaidic Sahitya Sanskrit

High School, Attasarai, the roll number of her sister was 128 whereas her roll number was 127. Whereas Kumari Shalinta Suman has been shown to

be the student of Nari Gyan Bharti Sanskrit High School, Bharti Gram, Nalanda.

This Court has directed the Sanskrit Shiksha Board to produce the original record maintaining the marks of the candidate. From perusal of the same it

appears that at two places the name of Kumari Shalinta Suman is standing, such as: serial No. 127 and Serial No. 163 and in both the places the

registration number has been shown as 483 of 2000 whereas the registration number which has been allotted to the present appellant is 1029 of 2000.

From perusal of the record/register we also do not find any person to whom the Registration number has been allotted as 1029 of 2000 has been

mentioned. The same student, Registration No.1092 of 2000 has been shown at two places vide serial No. 185, 221 at third place, with different name

but both registration number has been shown, that itself creates a doubt on the authenticity of the records maintained by the Sanskrit Shiksha Board.

The learned counsel for the Sanskrit Shiksha Board submits that the admit card that has been brought on record is a fake admit card inasmuch as it

reflects that there is a cutting and overwriting over the same.

Let the Sanskrit Shiksha Board file an affidavit informing this Court that from which number to which number/registration number/roll number was

granted to Vaidic Sanskrit Shiksha High School and from which number to which number registration number/roll number was granted to Nari Gyan

Bharti Sanskrit School and also inform this Court to whom the registration no. 1029 of 2000 was allotted with complete detail. Also explain that

registration number which has been shown in record is not a seriatem but it has shown in jumble manner.

Let the one copy of the register be kept on record and second copy be handed over to the counsel for the Sanskrit Shiksha Board to file necessary

affidavit. It would also mention that whether any certificate has been issued to Kumari Shalinta Suman because at one place, Kumari Shalinta Suman

has been shown to have passed in the First division and in the second place she has been declared fail inasmuch as the Principal of Nari Gyan Bharti

Sanskrit High School, Bharti Gram, Nalanda has filed its affidavit wherein a letter no.18 dated 26.4.2013 of the Headmaster has been attached

reflects that the claim has been made that roll No. 160 onward was allotted to the students of that school. It also appears that large number of

students were not allotted any marks including Kumari Shalinta Suman.

Let affidavit also clarify as to whether mark-sheet has been issued to Kumari Shalinta Suman student of Nari Gyan Bharti Sanskrit High School,

Bharti Gram, Nalanda.

Let the affidavit be filed by the Sanskrit Shiksha Board within four weeks.

List this case on 22.10.2019.â??

7. The report of the Vigilance Department, dated 6th of January, 2021, received in a sealed cover, opened during the course of hearing, stands

perused by us. The operative portion thereof is extracted as under:

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8. The investigation simply reveals the document relied upon by the appellant not to have been issued by the authorities i.e. Bihar Sanskrit Shiksha

Board, Patna. Also, it is recommended that an F.I.R. be registered against the erring officers/official(s) of the Board as also the private parties.

9. As such, we dispose of the present appeal with direction(s) that the Vigilance Department shall forthwith register First Information Report in

relation to the alleged forged record prepared by the Institution imparting education to the appellant; officers/officials of the Bihar Sanskrit Shiksha

Board as also any one of the private parties involved in such process.

10. Shri Anil Singh, learned counsel for the Vigilance Department states that the F.I.R. shall be positively registered within next two working days.

11. Learned counsel for the Vigilance Department as also the State undertakes to communicate the order to the D.G.P., Bihar during the course of

the day.

12. With the aforesaid direction(s), the Letters Patent Appeal stands disposed of.

13. Interlocutory Application(s), if any, shall stand disposed of.