

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.107 of 2016

In

Civil Writ Jurisdiction Case No.12764 of 2013

Sudha Kumari, D/o Harekrishna Prasad Singh, Wife of Sri Arvind Kumar, resident of village - Patan Bigha, Police Station -Islampur, District - Nalanda, presently residing at Village - Bhane Bigha, P.S. Makhdumpur, District - Jehanabad.

... .. Appellant/s

Versus

1. The Chairman, Bihar Sanskrit Shiksha Board, Patna
2. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
3. The State of Bihar through District Magistrate, Nalanda.
4. The District Education Officer, Nalanda.
5. The Headmaster, Baidic Sahitya Sanskrit High School, Attasarai, Islampur, Nalanda.
6. The Headmaster, Nari Gyan Bharti, Sanskrit High School, Bhartigram, Nalanda.
7. Sarita Kumari, Wife of Sunil Kumar, R/o Village - Bhane Bigha, Ward No.3 Nagar Panchayat Makhdumpur, District - Jehanabad.
8. The Superintendent of Police, Vigilance Department, Govt. of Bihar, Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bindhyachal Singh, Advocate
		Mr. Umesh Kumar, Advocate
For the State	:	Mr. Mukund Mohan Jha, AC to GP-27
For the Vigilance	:	Mr. Anil Singh, Advocate
For B.S.S.B.	:	Mr. S.S. Sundaram, Advocate
For Respondent No.6	:	Mr. Rabindra Pd. Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-01-2021

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.”

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:



“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.”

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:

“(ख) जेनरल टेबुलेशन रजिस्टर में रौल नम्बर-127 पर सुधा कुमारी, वैदिक साहित्य संस्कृत उच्च विद्यालय, अतासराय, जिला- नालन्दा की छात्रा की जगह रौल नम्बर- 163, कुमारी स्नेहलता सुमन, नारी ज्ञान भारती बालिका संस्कृत उच्च विद्यालय भारती ग्राम भोभी नगरनौसा, जिला- नालन्दा के नाम की प्रविष्टि जानबूझकर गलत ढंग से बिहार संस्कृत शिक्षा बोर्ड, पटना के द्वारा की गई है। सभी संगत तथ्यों से यह प्रथम दृष्टया प्रतीत होता है कि श्री चन्द्रभूषण झा, तत्का0 परीक्षा प्रभारी एवं श्री नरेश प्रसाद श्रीवास्तव तत्का0 प्रभारी सचिव, के द्वारा अपने पद का भ्रष्ट दुरुपयोग कर नारी ज्ञान भारती बालिका संस्कृत उच्च विद्यालय भारती ग्राम जिला- नालन्दा की अनुत्तीर्ण छात्रा कुमारी स्नेहलता सुमन को



प्रथम श्रेणी में उत्तीर्ण कराने का कार्य किया है। अतः इस आरोप में (1) श्री चन्द्रभूषण झा, तत्का० परीक्षा प्रभारी, (2) श्री नरेश प्रसाद श्रीवास्तव तत्का० प्रभारी सचिव, (3) कुमारी स्नेहलता सुमन, नारी ज्ञान भरती बालिका संस्कृत उच्च विद्यालय भारती ग्राम, भोभी नगरनौसा जिला- नालन्दा एवं अन्य के विरुद्ध धारा- 467/468/471 भ०द०वि० एवं 13 (2) सहपठित धारा- 13 (1) (डी) भ्र०नि०अधि० 1988 (संशोधित अधि० 2018) के विरुद्ध प्राथमिकी दर्ज कर कांड का अनुसंधान किया जा सकता है।”

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.

(Sanjay Karol, CJ)

(Prabhat Kumar Singh, J)

Amrendra/P.K.P

AFR/NAFR	NAFR
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