

**(2000) 11 PAT CK 0056**

**Patna High Court**

**Case No:** C.W.J.C. No. 11288 of 2000

Supriya Kumari and others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

---

**Date of Decision:** Nov. 29, 2000

**Hon'ble Judges:** Shiva Kirti Singh, J

**Bench:** Single Bench

**Advocate:** Ganesh Prasad Singh, Sanjay Kumar, for the Appellant; S.D. Yadav for Board and Mr. A.K. Choudhary for State, for the Respondent

---

### **Judgement**

@JUDGMENTTAG-ORDER

Shiva Kirti Singh, J.

Heard the parties. Petitioners claim to be regular students of Ram Charan Singh High School, Ibrahimpur, Shribigha, P.S. Sakurabad in the District of Jehanabad. They are aggrieved by withholding of their matriculation result by the Bihar School Examination Board. It appears that earlier some students of this school had moved this Hon'ble Court through C.W.J.C. No. 7742 of 2000 and that writ application alongwith some other writ applications was disposed of by order dated 24.8.2000 contained in Annexure-2. However, a perusal of that order (Annexure-3) a subsequent order by the Secretary of the Bihar School Examination Board shows that the said writ application was disposed of on an erroneous presumption that result of regular students of this school had been withheld for want of certificate of residence. Now it transpires that the results of regular students of this school have been withheld/cancelled in view of enquiry report contained in Annexure-A which has created a suspicion that it does not appear possible that there were 1419 regular students in this school who could be sent up in the matriculation examination in one year. To come to this inference the authorities have placed reliance upon the fact that there is limited accommodation available in the school and that admission register and T.C. guard file was not made available at the time of inspection to verify the admission of such number of regular students. A perusal of

Annexure-A shows that there were nine rooms in the school out of which at the time of inspection three were being used for the purpose of teaching. It further appears that at the time of inspection one officiating Headmaster was present who informed the inspecting team that admission register and T.C. guard file etc. were not with him and such documents may be with the regular Headmaster.

2. Now it has been submitted on behalf of the petitioners that the school is in Naxal affected area and the Headmaster has to take admission of the students of the locality only under the pressure of the public of the locality and has to complete the courses even in open spaces and hence it cannot be said that the school cannot have regular students for want of space. It has further been submitted that the admission register and T.C. guard file are available with the Headmaster and the school's authorities are prepared to produce the same for holding any inquiry in the matter and they are prepared to satisfy the authorities regarding genuineness of 1449 regular students of this school. There is another aspect of the matter which has influenced this Court to come to a decision to remit the matter back to the authorities concerned and that is the fact that this School was established in the year 1980 and recognised since 1992 and hence it is difficult to accept that it does not have any regular students at all. Hence the decision of the authorities to cancel/withhold the results of all the regular students of this school does not appear to be in accordance with law. In the opinion of this Court the matter requires further consideration and hence this writ application is disposed of and the matter is remitted back to respondent no. 2, the Chairman, Bihar School Examination Board who shall either satisfy himself regarding the claim of the petitioners on the basis of admission register and T.C. Guard file or entrust the matter for an inquiry to any other officials of the Board. Such inquiry will be held only if the authorities of the school produce the relevant register and file before respondent no.2 within ten days from today along with a copy of this order. Learned counsel for the petitioners has suggested that the authorities of the school will be present with the documents in question before respondent no.2 on 7th December, 2000. In that event or even in the event of the production of the registers etc. within ten days the respondent no.2 shall proceed with the inquiry as directed above expeditiously and take a final decision in the matter within two weeks thereafter. This writ application is accordingly disposed of. Let a copy of this order be given to learned counsel appearing for the Bihar School Examination Board.