

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15732 of 2022**

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Rebecca Bardhan D/o Shyamal Kumar Bardhan, Resident of 28 Charu Chandra Sinha Lane, Ram Krishnapur, P.S.- Shivpur Howrah, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Cum Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director Higher Secondary Education, Govt. of Bihar, New Secretariat, Patna.
3. The Bihar School Examination Board (Senior Secondary Section) through its Secretary, Bihar School Examination Board Building, Budh Marg, Patna.
4. The Delhi Medical Council through its Registrar Ground Floor, B Wing, D Block- 1, DMCR, IT Park, Shastri Park, New Delhi- 110053.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. P.N.Shahi, Sr. Advocate     |
|                      |   | Mr. Uday Pratap Singh, Advocate |
| For the State        | : | Mr. Jitendra Kumar Roy 1, SC-13 |
| For the BSEB         | : | Mr. Ajay, Sr. Advocate          |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**Date : 22-09-2025**

Heard Mr. P.N.Shahi, learned Senior counsel assisted by Mr. Uday Pratap Singh, learned counsel for the petitioner and Mr. Ajay, learned Senior counsel appearing for the Bihar School Examination Board ('B.S.E.B.' or 'the Board').

2. The petitioner has filed the instant application for the following relief(s):

*“A. A Writ in the nature of Mandamus or any other appropriate Writ, Order/s, Direction/s commanding the Respondent No. 3 to correct its*



*internal records regarding the marks obtained by the Petitioner in the Intermediate Examination held in the year 2001 by the then Bihar Intermediate Education Council (now Bihar School Examination Board (Senior Secondary) after merger in the year 2007) having Registration Number-35648/1999, Roll Number -10048, Roll Code-1168 appeared at SRP College Balkishunganj, Patna examination centre and further to report to the Respondent No. 4, the corrected marks as according to the marks-sheet supplied to her.*

*B. For any other relief/s to which the petitioner is found entitled too.”*

3. The case of the petitioner in brief is that having cleared her All India Secondary School Examination in the year 1998 from the Central Board Secondary Education (C.B.S.E.), she took admission in Miloo Singh Inter College at Patna to pursue her studies of Intermediate. The petitioner got herself registered with the Bihar Intermediate Education Council, Patna with Registration no.35648/99. The Council subsequently merged with the Bihar School Examination Board, Patna in the year 2007. It is the case of the petitioner that she filled up her application form for appearance in the Intermediate examination in the year 2001 and was allotted Roll Code 1168 and no.10048. She appeared in the Annual Intermediate Science Examination held in February, 2001 and passed in First Division.



4. It is submitted by learned Senior counsel appearing for the petitioner that copies of the marks statement and provisional certificate both dated 30.5.2001 and the certificate of having passed the Annual Intermediate Examination in science dated 1.8.2006, all issued by the Bihar Intermediate Education Council have been brought on record as Annexure-3 series to the petition.

5. It is further case of the petitioner that she pursued her studies of Medical from the Medical College at Russia and qualified in the year 2007 as a Physician with specialization in General Medicine. On her return from Russia, the petitioner appeared in the screening test conducted by the National Board of Examinations in Medical Sciences and passed the same. The certificate of having passed the screening test for foreign medical graduates conducted by the National Board of Examinations in Medical Sciences, an autonomous body under the Ministry of Health and Family Welfare, Government of India has been brought on record as Annexure-5 to the writ application.

6. It is the case of the petitioner that having passed the screening test, she applied in the Delhi Medical Council for registration and was registered provisionally. Thereafter the



petitioner completed her internship successfully from Atal Bihari Vajpayee Institute of Medical Sciences and Ram Manohar Lohiya Hospital, New Delhi.

7. It is submitted by learned Senior counsel appearing for the petitioner that in course of verification of the certificates after provisional registration in the Delhi Medical Council, the Registrar of the Council wrote to the B.S.E.B. asking them about the Intermediate examination of the petitioner. The Delhi Medical Council was informed about there being some discrepancy in the marks of the petitioner in the original records available with the B.S.E.B. It is submitted that the petitioner immediately applied to the B.S.E.B. for correction of marks in the original records of the Board and requested the Board to make correction in their original records, however, no action having been taken, the instant application has been filed for the reliefs prayed for as stated herein above.

8. It is submitted by learned Senior counsel appearing for the petitioner that as per the contents of the counter affidavit, the records of the Board show that the petitioner had absented herself in the examination, however, at no stage have the respondents raised any issue with respect to the genuineness of the certificates enclosed. As such, it is prayed that the



respondent-Board be directed to correct their internal records and accordingly furnish report to the Delhi Medical Council (respondent no.4) with the corrected marks as per the marksheet supplied to her.

9. Learned Senior counsel appearing for the respondent-Board submitted in reference to the counter affidavit filed that as per the records available with the Board, the petitioner was absent in the Intermediate examination of the year 2001. It is submitted that out of a total of 56 candidates of the Science stream who had filled their forms through Miloo Singh Inter College, as per the records available with the Board, 52 candidates had appeared and 4 candidates including the petitioner were absent. In view of the application of the petitioner, steps were taken for physical verification with the counter signed cross list available in the college and accordingly a request was made to the District Education Officer, Patna. However, it transpired that the Miloo Singh Inter College, Ashok Raj Path, Patna was closed and not in existence. It was thus submitted that in view of the facts of the case, the tabulation register now available with the Board showing the petitioner to have absented herself in the Intermediate Examination, 2001, no relief can be granted.



10. Heard learned counsel for the parties and perused the material on record.

11. The facts not in dispute are that in the year 1999, the petitioner registered herself with the then Bihar Intermediate Education Council with registration/enlistment no.35648/99, Roll Code 1168 and no.10048. Both these facts would be evident not only from the documents brought on record by the petitioner but also from the copy of the tabulation register enclosed by the Board in the counter affidavit.

12. Further perusal of the documents for the relevant Intermediate in Science would show that the Admission Card/Admit Card for the examination contains the signatures of the Principal of Miloo Singh Inter College, Patna, the petitioner herself as also the Secretary of the Board besides others. Similarly the marks statement as also the provisional certificate issued by the Council contains the printed signature of the then Secretary of the Council.

13. As submitted by learned Senior counsel appearing for the petitioner, the respondent-Board have not raised any suspicion with respect to the genuineness of any of the certificates instead as per the statement made in the counter affidavit, not being certain about the absence of the petitioner as



reflected from their record, took the step to request the District Education Officer, Patna to make on spot physical verification of the college in question but found that the same was not longer in existence.

14. It may further be noted here that the petitioner is seeking a direction to the Board to correct its record with respect to the marks obtained by her in the Intermediate examination and to intimate the corrected marks to the Delhi Medical Council. She, after clearing her Intermediate in the year 2001 also completed medicine and qualified as a Physician with specialization in General Medicine from Russia. On her return the petitioner has passed the screening test ie the Foreign Medical Graduate Examination conducted by the National Board of Examinations in Medical Sciences and has also completed her internship from Atal Bihari Vajpayee Institute of Medical Sciences and Ram Manohar Lohiya Hospital, New Delhi.

15. In view of the facts and circumstances stated herein above, the petitioner not only having pursued her further studies but after having completed her medical studies in Russia, having cleared the foreign medical graduates examination in India and also having completed internship



successfully from a recognized hospital in Delhi together with the respondent-Board not having raised any objection with respect to the genuineness of the copies of the certificates enclosed with the writ petition, the Court is inclined to allow the prayer made in the instant application.

16. The respondent-B.S.E.B. through its Secretary (respondent no.3) is directed to make appropriate corrections in their internal records as per the certificates/documents enclosed by the petitioner in the instant writ application and further communicate the same to the Delhi Medical Council (respondent no.4) within a period of three months.

17. The writ application is allowed.

**(Partha Sarthy, J)**

Saurabh/-

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