

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.644 of 2025

In
Civil Writ Jurisdiction Case No.1279 of 2025

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Shailesh Kumar S/o- Ram Bilash Chaurasia, Vi and P.O.- Bahuara, P.S.-
Parihara, Distt. - Begusarai, Via- Khagaria, 851204 (M)- 7761880204,
7909066556).

... .. Appellant/s

Versus

1. State of Bihar (Through Secretary, Department of Education, Govt. of Bihar, Vikash Bhawan, Punaichak, Patna, Bihar - 800015)
2. Bihar School Examination Board (Through Secretary, Bihar School Examination Board, Budha Marg, Patna, Bihar - 800001)
3. Bihar State Bar Council (Through Secretary, Bihar State Bar Council, Bar Council Bhawan, East of Patna High Court, Patna, Bihar - 800001).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar (In Person)
For the State : Mr. Sarvesh Kumar Singh, AAG-13
For the BSEB : Mr. Siddhartha Prasad, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-01-2026

This Letters Patent Appeal has been filed by the petitioner, namely Shailesh Kumar, who is an advocate of this Court, challenging the impugned order dated 6.5.2025, passed by the learned Single Judge in Civil Writ Jurisdiction Case No. 1279 of 2025.

2. The writ petition was filed seeking the following reliefs:-

“1(a). Direction to respondent no. 2 to provide matric (class 10”) secondary marks sheet for which petitioner



has applied on 18/6/2018 and to take application for secondary original certificate of matric (class 10th) with proper fee and provide secondary original certificate within reasonable time.

(b). Direction to respondent no.-3 the Bihar State Bar Council to register to petitioner and provide registration number. If they have doubt on the 10th degree then they can verify it from Bihar School Examination Board and/or S.M.H. School, Bela Simri, Khagaria.

(c) Direction for compensation to petitioner for not providing secondary marks sheet even when they applied on 18/6/2018 and visited to BSEB Munger regional office more than 20 times from June 2018 to yet and faced harassment from last 6+ years.”

3. Counter affidavit was filed by the Respondent No. 2 wherein relevant paragraphs no. 8 to 18 are reproduced hereinbelow:-

“8. That it is submitted that from perusal of the writ petition it is evident that the petitioner claims that he has passed his Matriculation Examination 1996 (A), under Roll Code-04304, Roll No.-0358 from S M HIGH SCHOOL BELA SIMRI, Dist. - Khagaria, conducted by the Bihar School Examination Board (referred to as 'the Board' hereinafter) and accordingly the Marks sheet and Certificate was duly been issued in his name. It is submitted that, it was



however in the year 2013 the petitioner claims to have lost his testimonials while travelling, including his Matric (10th) Marks sheet and Certificate. That the petitioner further claims that he also submitted a complaint before Fatuha GRP in this regard but yet the bag could not be recovered thereafter the petitioner contends to have applied for issuance of duplicate Secondary School Examination Marks Sheet at the Munger Regional Office of the Board. Further, it is submitted that petitioner also claims that in want of the original Matriculation Marks sheet and Certificate even his registration at the Bihar State Bar Council has been kept pending.

9. That it is humbly submitted that it is after having come to know of the issue so raised by the petitioner that he has requested for the re-issuance of 10th original Matriculation Marks sheet, for curing the issue of the petitioner, a Five Member sub-committee was constituted by the Board vide office order bearing S.P. 352 dated 04.04.2025 to enquire into the matter for getting the issue resolved at the earliest.

10. That it is submitted that in course of enquiry, the said sub-committee, it is found that the details of the candidate namely SHAILESH KUMAR i.e. present petitioner had not been uploaded under the D.M.S. data. That it had further also been found by the said sub-committee that under the relevant Tabulation Register, the pages containing the details of present petitioner i.e. the candidate namely SHAILESH KUMAR under Roll No. 0358 under Roll Code 4303



have not been found compiled therein though the details of other candidates starting from Roll No. 01 to 0307 under Roll Code-4303 have been found compiled therein.

11. That it is submitted that with the intent to complete the enquiry and to gather the required details (missing from the relevant Tabulation Register at the Board) that it was vide letter no. K. 617 dated 04.04.2025 the Board asked the headmaster of the school concerned to furnish the Original Cross List, which had further also been reiterated by the Board vide letter No. BP-0021 dated 7.4.2025.

12. That it is submitted that in response thereof, the attested cross list along with the entire original cross list was sent by S M HIGH SCHOOL BELA SIMRI, Dist. Khagaria, (through the concerned D.E.O.) vide letter no. 316 dated 07.04.2025 through special messenger at the Board's head office.

13. That it is further submitted that in the said attested complete cross list sent by S.M. High School Bela Simri pertaining to secondary annual examination 1996, Roll No. 0333 to 0400 under roll code 4303 stood mentioned and at page No. 1099 roll No. 0358 of Shailesh Kumar (petitioner) S/o Ram Bilas Chourasia with date of birth 1.3.1982 total marks 0324, second Division, had stood mentioned.

14. That in this respect it also not out of place to submit here that the Roll Code 4303 was allotted to altogether 13 school under the district of Khagaria though under the relevant Tabulation Register,



available at the Board, the details of the candidates from Roll No. 01 to 0307 under said Roll Code 4303 have been found mentioned i.e. the details of the candidates of altogether twelve schools, who were allotted the said Roll Code - 4303, wherein the last 12th school namely S.C. High School, Labhgao, Jalkaura, Khagaria got enrolled candidates starting from Roll no. 0218 to 0307 under said Roll Code have been found. Accordingly, it has been gathered that relevant page under the Tabulation Register containing the details from Roll no. 0308 to Roll No.0400, wherein the remaining candidate of S.C. High School, Labhgao, Jalkaura, Khagaria from Roll no. 0308 to 0332 and the candidates of S. M. HIGH SCHOOL BELA SIMRI, Khagaria i.e. present petitioner school starting from Roll no. 0333 to 0400, either got torn or had not been compiled.

15. That it is further submitted that it was accordingly after completing the enquiry the committee vide its final report contained in memo no. BSEB/SS/AO 20/2025 dated 16.04.2025 recommended to immediately prepare the Duplicate Copy of Marks Sheet pertaining to petitioner Secondary School Examination 1996 on the basis of the Original Cross List duly attested by the District Education Officer, Khagaria and made available to the Board and thereafter immediately supply it to the Candidate namely SHAILESH KUMAR (Petitioner).

16. That it is submitted that accordingly a duplicate copy of the Marks Sheet pertaining to petitioner



Secondary School Examination 1996 (Annual) under Roll Code 04303 Roll No. 0324, duly been got prepared / printed and sent to the petitioner on his official address i.e. SHAILESH KUMAR, S/O Ram Bilash Chaurasia, Vill. Post Bahuara, P. S.-Parihara, Distt. Begusarai, Via Khagaria, Bihar, PIN Code - 851204, by the Board vide its letter bearing BP-0026 dated 02.05.2025.

17. That it is submitted that from perusal from Annexure P/4 which is the photocopy of the application along with the receipt of fees deposited by the petitioner for issuance of duplicate mark-sheet and accordingly duplicate marksheet had duly been issued to the petitioner.

18. That in view of above fact as stated, it is humbly submitted that the grievance of the petitioner, insofar as it related to the Board, has been redressed, though some delay occurred in providing the duplicate copy of the Marks Sheet pertaining to petitioner Secondary School Examination 1996, however the same is neither intentional or deliberate on the part of the answering respondent which is apparent from the facts mentioned above.”

4. The learned Single Judge, after hearing the learned counsels for the respective parties, has been pleased to hold as follows:-

“5. Since the petitioner passed the examination in the year 1996 and the matter was very old, the board



constituted a five-member Sub-Committee vide office order bearing No. 4425 to inquire into the matter for getting the issue resolved at the earliest. During course of inquiry, the committee has found that the details of the candidate namely Shailesh Kumar had not been uploaded under the DMS data. The Sub-Committee also found that under the relevant tabulation registration, the pages containing the details of present petitioner, the candidate name, roll number, roll code have not been found complied therein. Though, the details of other candidates starting from Roll No. 12307 under Roll Code 4303 have been found complied therein.

6. He further submits that in order to complete the inquiry and to gather the required details, the Board asked the Headmaster of the concerned school to furnish the original cross list. In response to the same, the school sent the original attested cross list and entire original cross list through DO and special messenger. The attested cross list pertaining to Secondary Annual Examination 1996 sent by the school under Roll No. 333 to 400 and under Roll Code 4303, it was found that the petitioner passed in second division having date of birth 01.03.1982. The committee submitted its final report on 16.04.2025 recommending to prepare the duplicate copy of mark sheet pertaining to the petitioner for the Annual Examination 1996 on the basis of the original cross list duly attested by DEO, Khagaria. Immediately thereafter, on 02.05.2025 the mark sheet of the



petitioner was sent on his official address through office address vide letter dated 02.05.2025.

7. I have heard learned counsel for the parties and have gone through the materials available on record. The grievance of the petitioner for having duplicate copy of the mark sheet has been fulfilled. The claim of the petitioner for grant of compensation cannot be allowed for the reasons that the certificate/mark sheet of the petitioner lost in 2013 but he applied for duplicate copy after five years in 2018. Since the matter was very old i.e., of 1996, the Board took time in order to search the details and ultimately issue was resolved after forming a Sub-Committee which submitted its report after calling the cross list from the concerned school. There is no deliberate latches and delay on part of the Board. The petitioner has not made out a case of violation of his fundamental rights.”

5. The petitioner submits that stipulated period has been prescribed under the statute to provide the duplicate copy of the certificate but in the case in hand, the authorities took almost seven years to supply the duplicate certificate.

6. In the Letters Patent Appeal also, counter affidavit has been filed by the Respondent No. 2 i.e. the Law Officer of the Bihar School Examination Board, relevant paragraphs whereof being paras no. 7 to 18 are reproduced hereinbelow:-

“7. That it is humbly submitted that in the aforesaid



backdrop it would be relevant to submit here that after disposal of the writ petition, the present appellant/petitioner had deposited the prescribed fee of Rs 2500/- for the purposes of issuance of secondary certificate at the Board vide receipt bearing ID number 431070 dated 16/05/2025 (appended to present memo of appeal as well).

8. That it is pertinent to mention here that it was accordingly that the secondary certificate pertaining to present appellant / petitioner namely SHAILESH KUMAR's 'SECONDARY SCHOOL EXAMINATION 1996 got duly prepared and issued by the Printing Cell of the Board and sent to the address provided by the appellant petitioner through post bearing RF No. 435842339IN on 22/07/2025.

9. That it is pertinent to mention here that in view of filing of present LPA appeal before the Hon'ble Court, in the present context it is humbly submitted that the answering respondent i.e. the Bihar School Examination Board craves for leave to produce/recapitulate the brief facts addressing to the issues as raised by the present appellant/ petitioner through the connecting writ & in present memo of appeal so far as it relate to the Board, for appreciation even at this stage.

10. That it is pertinent to mention here in this regard that after receipt of the copy of connecting writ, the matter of non-issuance of Duplicate Marks Sheet pertaining to appellant/petitioner 1996 Matriculation Examination taken up a very serious matter at the



Board, since it was despite of receiving the requisite amount and generating an ID in the matter viz. ID no. 2106811 for the purposes of issuance of Duplicate Marks Sheet (appended as Annexure- P4 to writ petition), the required Marks Sheet could not been issued, accordingly the matter got enquired by constituting a Five Member high level committee by the Board vide office order bearing S.P. 352 dated 04.04.2025.

11. That it is humbly submitted that it was accordingly in order to complete the enquiry and to gather the relevant information & missing details of the candidates concerned from the relevant Tabulation Register at the Board that it was vide letter no. K. 617 dated 04.04.2025 the Board asked the headmaster of the school concerned to furnish the Original Cross List sent to the school by the Board at the relevant point of time earlier.

12. That it is humbly submitted that in response thereof the Headmaster of S M HIGH SCHOOL BELA SIMRI, Dist. - Khagaria, vide its letter no. 315 dated 05.04.2025 sent only one page of the said Original Cross List containing details of candidates from Roll No. 0348 to 0362 under Roll Code-4303, it was however in order to clarify the factual matrix further in its totality that it was vide letter bearing BP-0021 dated 07.04.2025 the Board again asked the S M HIGH SCHOOL BELA SIMRI school to make available the complete Original Cross List containing details of candidates under Roll Code-4303.



13. That is pertinent to mention here that it was accordingly in response that a duly attested copy of the said Original Cross List containing details of the candidates under Roll Code - 4303 from the District Education Officer had been sent to the Board by the school through its special messenger with its covering letter bearing letter no. 316 dated 07.04.2025.

14. That it is pertinent to mention here that from perusal of said Original Cross List pertaining to Secondary School Examination 1996, at page no. 1099, the details of the candidate concerned namely SHAILESH KUMAR i.e. present appellant / petitioner under Roll No. 0358 under Roll Code -4303, Father's Name RAM BILASH CHAURASIA, Date of Birth 01.03.1982, Total Marks obtained-0324, Division - IInd have been found inscribed therein.

15. That it is pertinent to mention here that the Roll Code-4303 was allotted to altogether 13 schools under the district of Khagaria though under the relevant Tabulation Register, available at th Board, the pages containing the details of the candidates from Roll no. 01 to 0307 under said roll Code-4303 had been found i.e. the details of the candidates of altogether twelve schools, who were allotted Roll No. 4303, wherein the last 12th school namely S.C. High School, Labhgao, Jalkaura, Khagaria having enrolled candidates starting from Roll no. 0218 to 0307 under said Roll Code had been found missing; accordingly it has been gathered that the some of the page under the Tabulation Register, containing the details from Roll



no 0308 to Roll No.0400 i.e, the candidate of S.C. High School, Labhgao, Jalkaura, Khagaria from Roll no. 0308 to 0332 and the candidates of S. M HIGH SCHOOL BELA SIMRI, Khagaria i.e. present appellant/petitioner's school starting from Roll no. 0333 to 0400, either got torn or could not be compiled/attached therein.

16. That it is humbly submitted that it was accordingly after completing the enquiry the committee vide its final report contained in memo no.BSEB/SS/AO 20/2025 dated 16.04.2025 recommended to immediately prepare the Duplicate Copy of Marks Sheet pertaining to present appellant / petitioner's Secondary School Examination 1996 on the basis of the Original Cross List which was duly attested by the District Education Officer, Khagaria and make it available to the Board and thereafter immediately supply it to the candidate namely SHAILESH KUMAR (present appellant/Petitioner).

17. That it is humbly submitted that accordingly a duplicate copy of the Marks Sheet pertaining to present appellant / petitioner's Secondary School Examination 1996 (Annual) under Roll Code 04303 Roll No. 0324, duly been got prepared/printed and sent to the appellant/petitioner on his official address i.e. SHAILESH KUMAR, S/O - Ram Bilash Chaurasia, Vill. Post - Bahuara, P. S. Parihara, Distt. Begusarai, Via - Khagaria, Bihar, PIN Code 851204, by the Board vide its letter bearing BP-0026 dated 02.05.2025, which was admittedly received by him as



well.

18. That it is humbly submitted that taking into account the standing fact that the grievance of the present appellant / petitioner stood redressed and finding that although some delay occurred in providing the copy of the Marks Sheet pertaining to his Secondary School Examination 1996, the same was neither intentional nor deliberate on the part of the Board.”

7. After going through the averments made in the counter affidavit, we find that there is no laches on the part of the authorities concerned to supply the duplicate certificate. In an intra-Court appeal, the Division Bench should not interfere with the order of the learned Single Judge unless it reaches to a conclusion that the finding is perverse and merely because another view or a better view is possible, there should be no interference with or disturbance of the order, passed by the learned Single Judge. Letters Patent Appeal provides internal check and balance, ensuring judicial accountability and oversight and protects citizens rights allowing for a more thorough review of a Single Judge's decision.

8. After going through the pleadings, the stand taken by the Respondents in the counter affidavit, we find that there is no perversity in the impugned order. Therefore, the prayer of the



petitioner in this Letters Patent Appeal cannot be entertained.

9. Accordingly, the present Letters Patent Appeal stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Mohit Kumar Shah, J)

Ajay/S.Sb-

AFR/NAFR	
CAV DATE	NA
Uploading Date	21.01.2026
Transmission Date	NA

