

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3481 of 2015

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1. Nawal Kishore Tiwary. Son of Late - Ram Singhasan Tiwary. Resident of village - Pakari, Old Post office, Nawada, at Ara, District - Bhojpur, Pin - 802301, at present posted at Upgraded Middle School, Salempur, Koelwar, Bhojpur.
 2. Vijay Choudhary. Son of Late Ram Awadesh Choudhary. Resident of village + P.O.- Belaur, P.S.- Udwant Nagar, District - Bhojpur at Present Posted as Middle School Sarathuwan, Udwant Nagar, Dist.- Bhojpur.
 3. Bhuwaneshwar Panday. Son of Late Paras Nath Pandey. Resident of village - Kariman Thakur ke Dera, P.O.- Laxmi Ke Dera, Via.- Shahpur, Dist.- Bhojpur, at Present Posted as Middle School Karnamepur, Shahpur, Dist.- Bhojpur.
 4. Bipin Bihari Choubey. Son of Late Jagdish Choubey. Resident of village - Ankodhi, P.O.- Baruhan, P.S.- Bagengola, Dist.- Buxar, Pin.- at Present posted as Middle School Kasap, Udwant Nagar, Dist.- Bhojpur.
 5. Priyranjan. Son of Late Sheojee Choudhary. Resident of vill. + P.O.- Parasiyan, P.S.- Jagdishpur, Dist.- Bhojpur, at Present Posted as Middle School, Karwan, Ara Muffasil, (South), Dist.- Bhojpur.
 6. Rakesh Ranjan. Son of Late Budhdeo Pandit. Resident of vill - Moapkhurd, P.O.- Khuthan, Dist.- Bhojpur, at Present Posted as Upgraded Middle School, Kasap, Ward-4, Udwant Nagar, Dist.- Bhojpur.
 7. Tiwary Kumud Ranjan. Son of Late Niwas Tiwary. Resident of Village + P.O.- Siyadhi, P.S.- Charpokhary, Dist.- Bhojpur, at present posted as Middle School Udwant Nagar, Dist.- Bhojpur.
 8. Chandra Shekhar Mishra. Son of Late Mohan Mishra. Resident of Village - Anua, P.O.- Ekwari, P.S.- Sahar, Dist.- Bhojpur, at present posted as Middle School Kulhriya (Block), Koelwar, Dist.- Bhojpur.
 9. Quazi Md. Imran. Son of Late Quazi Md. Mazahar. Resident of Mohalla - Milki, P.O. & P.S.- Town Thana, Ara, Dist.- Bhojpur at present posted as Urdu Primary School Singhi Kala, Ara Nagar.
 10. Prasidh Narayan Mishra. Son of Late Shree Nandan Mishra. Resident of village - Sheochack, (Mishri Chack) P.O.- Nawada, P.S.- Sahar, Dist.- Bhojpur, at Present Posted as Upgraded Middle School Piprahiyan, Ara Muffasil (South) Dist.- Bhojpur.
 11. Mukesh Kr. Mishra. Son of Late Manan Mishra. Resident of village + P.O.- Hematpur, Vaya Jagdishpur, P.S.- Tiyar, Dist.- Bhojpur, at Present Posted as Upgraded Middle School Laxmanpur, Ara Muffasil, (South) Bhojpur.
 12. Jitendra Kumar Singh. Son of Late Girija Nandan Singh. Vill.- Jadopur, P.O.- Pirauta, P.S.- Ara Muffasil, Dist.- Bhojpur, at Present Posted as Amar Adarsh Middle School Ramgaridhya.
 13. Nirranjan Kumar. Son of Late Suradeo Singh. Resident of village - Jethwar, P.O.- Jethwar, P.S.- Tarari, Dist.- Bhojpur, at Present Posted as Primary School, Khajuata, Udwant Nagar, Dist.- Bhojpur.
 14. Dharendra Kumar Singh. Son of Late Ramnath Singh. Resident of village + P.O.- Sedhan, P.S.- Tarari, Dist.- Bhojpur, at Present Posted as Middle School, Beldihari, P.O.- Basauri, P.S.- Sikarahata, Tarari, Dist.- Bhojpur.
 15. Gorakh Upadhyay. Son of Late Dinanath Upadhyay. Resident village + P.O.- Nonar, P.S.- Piro, Dist.- Bhojpur, at Present Posted as Middle School, Pachrukhiya, Piro, Dist.- Bhojpur.
 16. Sanjay Kumar Dewansu. Son of Late Viveka Nand Singh. Resident of village - Darsan Chhapra, P.O.- Bichhion, P.S.- Udwant Nagar, P.S.+ Dist.- Bhojpur, at

Present Posted as Upgraded Middle School, Chakiya, Udwant Nagar, Bhojpur.
17. Kumar Arvind. Son of Late Banke Bihari Roy. Resident of village - Karma,
P.O.- Dhawani Karakat, P.S.- Godari, District - Rohtas, at Present Posted as Middle
School, Nawada Ben, Udwant Nagar Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Education Department, Govt. of Bihar, Patna.
2. The Joint Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. Director, Primary Education, Department, Govt. of Bihar, Patna.
4. Regional Deputy Director of Education, Government of Bihar, Patna.
5. The District Program Officer, (Establishment), Bhojpur.
6. The District Education Officer, Bhojpur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr Mukul Sinha
Mr. Rajesh Kumar
For the Respondent/s : Mr. Kuber Pathak, AC to SC 14

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 08-05-2015

The absurdity of the argument of the petitioners is apparent on the face of record. They want a notional declaration of being treated as having passed training examination along with the candidates of the year 2004. The primary reason for urging so is that it is not their fault. They were not sent for training and because they were sent for training at late hour, they were compelled to appear in the examination only in the year 2007. If that be so then they shall be treated to have passed in the first attempt and they will be entitled to the same benefit as those candidates, who had appeared in the examination earlier in the year 2004.

The absurdity of the proposition and submission is

apparent on the face. If the petitioners have passed the examination in the year 2007, they will be governed by the circular and the decision taken by the two Division Benches earlier. The circular is dated 5.1.2015, issued by the Director, Primary Education, Government of Bihar. The right of the petitioners has been crystallized above and will be governed by circular dated 5.1.2015 of the Director.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

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