

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13668 of 2007

Prabodh Kumar son Sri Sakhichand Prasad resident of village Ganj P.O. Osain, P.S. Bihiya District Bhojpur at present posted as deputy Superintendent of Education in the office the District Superintendent of Education, Gopalganj, P.S. Gopalganj, Dist. Gopalganj.

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Human Resource Development Department Govt. of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Human Resource Development Department, Govt. of Bihar, New Secretariat, Patna.
4. Sri Raghu Bansh Kumar Deputy Director, (Primary Education) Human Resource Development, Department of Govt. of Bihar, New Secretariat, Patna.
5. Sri Ravindra Ram, Director, State Education Council, Research and Training Mahendru, Patna P.S. Pirbahore, Dist. Patna.
6. The Controller of Examination, State Education Council, Research and Training, Mahendru, Patna-1.
7. Khwaja Rasul, Superintendent, Examination Reform Department, State Education Council Research and Training Mahendru, Patna-1.
8. The District Education Officer, Gopalganj, P.S. Gopalganj, Dist. Gopalganj.
9. The District Superintendent of Education, Gopalganj, P.S. and District- Gopalganj,
10. The Superintendent of Examination Centre, D.A.V. High School, Gopalganj,, P.S. and District- Gopalganj,

.... Respondents

Appearance :

For the Petitioner : Mr. Maheshwar Prasad, Advocate

For the Respondents : Mr. (SC20)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 05-05-2015

Heard learned counsel for the petitioner and the
State.

A counter affidavit has been filed on behalf of the
respondent nos. 5 and 6.

The petitioner was holding the post of Deputy
Superintendent of Education. He was required to clear the

Departmental examination which was in two papers.



It is the contention of the petitioner that Vide Annexure-1 he was allotted Roll no. 0440187. On perusal of Annexure-1, it appears that there is overwriting on last digit 6 which has been made to appear from 7. Different documents have been enclosed to demonstrate that on the basis of the aforesaid admit card he appeared at the examination which was conducted in two sittings in the year 1999. The petitioner has placed reliance in this regard on a communication made in the year 2005 by the Centre Superintendent of D.A.V. High school, Gopalganj. The result was published thereafter in which the name of the petitioner did not figure. Against Roll no. 0440187 one Nathuni was declared successful. The actual date of publication of the result has, however, not been stated by the petitioner or the respondent. Indisputably, the second departmental examination was held/conducted by the respondent in the year 2006 wherein the petitioner appeared but failed to clear one paper. Thereafter the present writ application has been filed for quashing the order dated 24.8.2005 rejecting his claim for publication of his result.

In the counter affidavit filed on behalf of the respondents it has been categorically stated that the petitioner was not allotted Roll no. 0440187. He was, in fact, allotted Roll no.

0440086. The relevant records including the tabulation register indicates allotment of the aforesaid Roll Number to the petitioner. In substance, the respondents have disputed that the petitioner was not allotted Roll no. 0440187. The result was published accordingly.

Having heard the parties in my opinion, without delving into the dispute with regard to the Roll number which was allotted to the petitioner on the strength of which he claims to have appeared in the examination, the writ application merits to be dismissed on the ground that subsequent to the examination held in 1999, the State respondents conducted another departmental examination in the year 2006 wherein the petitioner appeared but failed to clear one paper and only thereafter the present writ application has been filed in respect of the examination which was held in 1999. In these facts of the case, no relief can be granted by this Court. The writ application fails. Dismissed.

By foot note it is noted that counsel for the State has pointed out that departmental examination are conducted at regular intervals wherein the petitioner can appear and clear the same.

(Kishore Kumar Mandal, J)

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