

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7472 of 2015

=====

Bandana Kumari. D/o Harihar Prasad, W/o Awnish Kumar. Resident of Village - Fatehpur Bala, P.S.- Mushri Gharari, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Vikash Bhawan, Patna.
3. The Bihar School Examination Board, through its Secretary, Intermediate Council Building, Budh Marg, Patna.
4. The Chairman, Bihar School Examination Board, Intermediate Council Building, Budh Marg, Patna.
5. The Secretary, Bihar School Examination Board, Intermediate Council Building, Budh Marg, Patna.
6. The District Education Officer, Samastipur.
7. The Zila Parishad, Samastipur through its Executive Officer i.e. Deputy Development Commissioner, Samastipur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vishnu Kant Dubey, Adv.

For the Respondent/s : Mr. Ashok Kumar- SC11

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 14-07-2015

Heard learned counsel for the parties.

The grievance of the as highlighted by Mr. Vishnu Kant Dubey, learned counsel for the petitioner, is that even when the petitioner's application, on being screened by Samastipur Zila Parishad for the post of Music Teacher, had been found to be in order and she was empanelled for appointment on the post of Music Teacher, she was not being allowed to appear in counseling. Mr. Dubey, therefore, prays that a direction should be given to the respondents to hold counseling of the petitioner and also offer an

appointment on the post of Music Teacher.



This Court, on perusal of the record, would find that initially this writ application was filed on 11.5.2015 with a prayer that the Bihar School Examination Board should make correction in the result of the petitioner in respect of Secondary Teacher Eligibility Test (STET) held on 13.2.2015 and issue a fresh result to the petitioner and a direction to the Samastipur Zila Parishad to appoint the petitioner on the basis of such revised result. It also appears that the petitioner had filed an application for appointment on the post of Teacher in Samastipur Zila Parishad on 26.2.2015 but in her application, she had not either claimed or even given mark-sheet of the TET examination. As a matter of fact, Samastipur Zila Parishad had issued a communiqué on 18.4.2015 giving opportunity to appear all such applicants with supporting documents in original including mark-sheet of STET examination in between 22.4.2015 to 25.4.2015.

From the averments made in I.A. No. 5196 of 2015 dated 1.7.2015 wherein an additional prayer was made for amendment in the relief portion seeking direction to the District Education Officer and Zila Parishad, Samastipur for holding counseling of the petitioner and appointing her on the post of Music Teacher in Zila Parishad, Samastipur, it transpires that the result of petitioner of STET examination was declared on or after 30.4.2015 and a mark-sheet of

the STET examination was issued in her favour. The petitioner has also admitted that it was on account of non-publication of the result of STET examination till 25.4.2015 that she could not appear in the counseling held between 22.4.2015 to 25.4.2015.

Amidst all these facts, this Court would find it difficult to issue any positive direction to the authorities of Samastipur Zila Parishad to hold special counseling specially when she did not appear in counseling till 25.4.2015 with her marks sheet of STET examination as per the communiqué issued by the Samastipur Zila Parishad. In fact there can be many more candidates alike the petitioner who had not fulfilled the requirement of furnishing the mark-sheet of STET examination within the period fixed by Samastipur Zila Parishad i.e. 22.4.2015 to 25.4.2015 and therefore no such direction can be issued in isolation only in respect of the petitioner.

Considering all these aspects, this Court would only give liberty to the petitioner to approach the authorities of Samastipur Zila Parishad for redressal of her grievance and if it is found that the petitioner had fulfilled the requisite condition as prescribed in the advertisement and the communiqué of furnishing the mark-sheet of STET examination within the fixed time, her case for counselling and consequential appointment on the post of Music Teacher may be also

considered but, on the other hand, if it is found that the petitioner had not fulfilled the condition of furnishing the mark-sheet as was prescribed by Samastipur Zila Parishad in its advertisement and communiqué such claim of counseling and consequential appointment on the post of Music Teacher will be rejected by passing a reasoned order.

It is, also made clear that if the appointments of the post of Music Teacher have already been made pursuant to the counseling held earlier, the same shall not be disturbed and/or reopened only on account of the petitioner approaching the Samastipur Zila Parishad on the strength of this order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

Rishi/-

U			
---	--	--	--