

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.424 of 2015

IN

Civil Writ Jurisdiction Case No. 2075 of 2014

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Piyush Kumar Singh, son of Sri Tanuk Lal Singh, resident of Mohalla Dangar,
Ward No. 3, P.S. Khagaria, Distt. Khagaria.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. The Director, Secondary Education Government of Bihar, Patna.
4. National Council for Teachers Education, Hans Bhawan in Bahadur Sah Zafar Marg, New Delhi - 110002.
5. The Research Officer, National Council for Teachers Education, Hans Bhawan, Bahadur Sah Zafar Marg, New Delhi - 110002.
6. Bihar School Examination Board, through its Secretary, Sinha Library Road, Patna.
7. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna.

.... Respondent/s

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Appearance :

For the Appellant	:	Mr. Manoj Kumar Singh, Advocate
For the Respondent-State	:	Mrs. Nivedita Nirvikar, Advocate
		Mr. Manish Dhari Singh, Advocate
For the Respondents –NCTE	:	Mr. S. N. Pathak, Advocate
		Mr. S. S. Mishra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-03-2015

The State of Bihar conducted the Secondary/Senior Secondary Teacher Eligibility Test in the year 2011. The stipulation was to the effect that a candidate must secure 60% of the marks in the examination, conducted for 150 marks. About 30,000 candidates appeared, and out of them only 10,000 are said to have qualified. The

appellant secured only 50%. Representations were made by him and other similarly situated candidates for relaxation of the minimum marks. The State Government, in turn, addressed a letter to the National Council for Teacher Education (for short, 'NCTE')-the respondent, in that behalf.

On its part, NCTE-the 5th respondent addressed the letter dated 15.07.2013 to the State Government stating that relaxation, as requested, is granted as a one time measure at the time of the relevant selection, that too, in favour of candidates belonging to SC/ST/EBC and women. A condition was also incorporated to the effect that wherever a candidate is extended the benefit of relaxation, he must be imparted training of B.Ed course, within the stipulated time, and thereby, comply with the Rules.

The grievance of the appellant is that despite relaxation granted by the 5th respondent, the State Government is not extending the facility to him. The appellant, accordingly, filed CWJC No.2075 of 2014. The learned Single Judge dismissed the writ petition through order dated 19th February, 2014. Hence this appeal.

Heard Sri Manoj Kumar Singh, learned counsel for the appellant and Smt. Nivedita Nirvikar, learned Government Advocate X for the respondent-State, Sri S.N. Pathak, learned counsel for the respondent no.5.

The eligibility test conducted by the State was not with reference to any particular recruitment. It was a general test, to enable the candidates to qualify. The appellant, no doubt, did not secure the stipulated minimum percentage of marks. However, the 5th respondent granted relaxation, as requested by the State Government as one time measure. The benefit under order dated 15.07.2013 passed by the 5th respondent can be availed only in the context of any specific recruitment. It cannot be availed in vacuum. The appellant did not refer to any recruitment Notification, much less the submission of his application.

Under these circumstances, we are of the view that the writ petition itself was without any cause of action. However, we leave it open to the appellant to approach this Court as and when the occasion arises. The order passed by the learned Single Judge is modified to the extent indicated above.

Accordingly, the appeal is disposed of.

Interlocutory application, if any, shall stand disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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