

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 9186 of 2016

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Kumari Pooja Rani Daughter of Sri Ganga Mahto, resident of village- Husena
Raghav, P.S.- Vaishali in the district of Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur
5. The District Education Officer, Muzaffarpur
6. Bihar School Examination Board, Bihar, Patna through its Chairman
7. The Chairman, Bihar School Examination Board, Bihar, Patna
8. The Secretary, Bihar School Examination Board, Bihar, Patna
9. The Principal, Government Women Teachers Training College, Chandwara, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Ms. Divya Verma, AC to AAG3

For the B.S.E.B.: Mr. Gyan Shankar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-06-2016

Heard learned counsels for the parties.

The writ application has been filed by the petitioner for a direction upon the respondents to accept her form and fee for participation in the D.Ed. examination, for which she has been debarred. She was enrolled for Diploma in Education for the academic session 2012-2014. Her case is that she could not appear in 2014 examination as well as 2015 examination due to some illness at the relevant time. Now the respondents in terms of clause-4 of the advertisement, contained in Annexure-6, have refused to

give her permission to participate in the examination, which is being held in the year 2016.

The counter affidavit, which has been filed on behalf of the respondent-Bihar School Examination Board, the reason has been explained that the petitioner was a student under old course. She chose not to appear in the examination for the year 2014, whatever be the reason. The authorities held the last examination for the old course after due notice to one and all in the year 2015 itself and that was the end of the story for the old course as well as for those, who wanted to participate in the examination under the old course. Thereafter the courses have drastically been altered and now no examination is being held or conducted under the old course. Only such people, who had either failed or had been expelled in the 2015 examination, have been given an opening for participation.

Counsel for the petitioner now submits that the future of the petitioner is at stake. There is not much of a change in the course, if there is, it is cosmetic, therefore, the petitioner should be permitted to participate in the examination, which is conducted for new course as well.

Such a proposition or submission cannot be accepted on the face value, because if there is no difference between the old course and the new course, there will be no occasion to close continuance of the old course as well as finish off the chapter by

holding the examination for the last time in the year 2015.

If the petitioner, chose not to participate in the examination for two years in a row, the story of illness is obviously an afterthought, this Court will not extend any kind of benefit to the petitioner for her own fault and permit her to participate in any examination.

Writ application, therefore, is dismissed. No order or direction is required to be issued in this regard.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
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