

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1558 of 2016

IN

Civil Writ Jurisdiction Case No. 9186 of 2016

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Kumari Puja Rani, daughter of Sri Ganga Mahto, resident of village Husena
Raghav, P.S. Vaishali in the District of Vaishali.

.... Appellant

Versus

1. The State of Bihar through Principal Secretary, Department of Education,
Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Muzaffarpur.
6. The 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.

.... Respondents

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Appearance:

For the Appellant : Mr. Dilip Kumar, Advocate
Mr. Binit Kumar, Advocate
Ms. Kiran Kumari, Advocate

For the Respondents :

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 02-12-2016

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 30th of June, 2016 in CWJC No. 9186 of 2016 whereby the writ application filed by the appellant to allow her to submit examination form for the D.Ed. examination remained unsuccessful.

3. The appellant was a regular student of Diploma in Education (D. Ed.) course for the academic Session 2012-14, but did



not appear in the examination conducted in the year 2014 as well as 2015. By virtue of an advertisement dated 13th of May, 2016 (Annexure-6), the candidates who failed or remained absent during the Session 2013-15 and 2014-16 were permitted to appear in the examination to be held later on, meaning thereby the candidates who were students for the previous academic Session were not permitted to appear in the examination. The assertion of the appellant is that she could not appear in the examination due to her illness. Therefore, she should be permitted to appear in the examination in terms of advertisement at Annexure-6.

4. In the counter affidavit, the stand of the Bihar School Examination Board is that the D. Ed course has been closed down and the last Session was 2012-14. From the Session 2013-15 there is new two years course with the nomenclature 'Diploma in Elementary Education'. Last opportunity was given to the students of earlier two years old course of D.Ed in the examination conducted in the year 2015. Therefore, the appellant is not entitled to appear in the examination which was conducted for the subsequent Sessions as the appellant has not availed the chances given to the students of academic Session 2012-14.

5. Learned counsel for the appellant contends that only the nomenclature of the two courses has been changed and that substantially there is no difference in the curriculum and once the



candidates of subsequent academic Session have been given chance to appear in the examination then it will be arbitrary not to grant opportunity to the appellant to appear in the examination.

6. This Court will not be in a position to examine the arguments of the learned counsel for the appellant whether the two courses are similar and only the nomenclature is changed. But the fact remains that the two courses in which the appellant admitted and the courses which is now in vogue are different. In respect of old candidates such as, the appellant were given chances to appear in the examination, but the appellant failed to avail such chance, therefore, after the change of the course, the appellant cannot be permitted to appear in the new format of examination.

7. We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal, which is accordingly dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Chandran/Ibrar

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