

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8654 of 2016

- =====
1. Pragya Chandra Minor D/o Mukul Chandra Bhushan under natural guardian Mukul Chandra Bhushan who has got no adverse interest against the minor
 2. Mukul Chandra Bhushan S/o Chndra Bhushan Dhruv Both residents of Gurhawa, P.S. Kundwa Chainpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of Education, Bihar, Patna.
3. Director, Secondary Education, Bihar, Patna.
4. District Magistrate, Jamul-cum-Chairman, School Management Committee, Jamui.
5. District Education Officer, Jamui.
6. Bihar School Examination Board through its Chairman, Patna.
7. Simultala Residential School, Simultulia, Jamui through its Principal Rajeev Ranjan.
8. Sri Rajeev Ranja, Principal, Residential School, Simultulia, Jamui.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Respondent/s : Mr. AAG15- Yogendra Prasad Sinha

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-07-2016

Heard learned counsels for the parties.

Refusal of admission by Simultala Residential School at Jamui resulted in filing of this writ application. Petitioner No. 1 belongs to the physically disabled category. She is hearing impaired. The case of the petitioner is that after having gone through the exercise and having given up the studies in the previous school, she cannot be denied admission, especially after she has qualified in the written examination.

The Court directed the respondent State authorities,

including the Principal of the school, to file a counter affidavit and explain the reason for not-grant of admission.

They have brought on record the advertisement itself, which forms the basis for admission in the said school and it is their contention that in terms of the advertisement, clause 2 (b), since the school does have requisite facilities for providing education to physically handicapped, except for candidates, having problem with locomotion, the petitioner should not have sent the application for consideration for such admission in the very first place. Merely because authority, which conducted the examination, which is said to be the Bihar School Examination Board, overlooked the fact, it does not create a right in favour of the petitioner.

Besides the advertisement, the facts stands that physically disabled candidates of such kind require special arrangements for imparting education and teaching, which is not possible in a regular school. That was the reason why the advertisement indicated that in absence of facilities at this juncture an opening is not possible for such candidates.

The problem is bona fide and genuine. This fact was already made known to one and all through the advertisement. It is not a case of finding an excuse to deprive anybody of his or her right to education.

In view of the same, the admission has been rightly refused by the respondents.

Writ application, therefore, is required to be dismissed, even otherwise, since these facts were suppressed by the petitioner.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	05.07.2016
Transmission Date	