

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9254 of 2016

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1. Satish Kumar Singh, Son of Ram Uchchal Singh, Principal, Prakash B.Ed. Teachers Training College, Chetan, Chhapra Baniyapur, P.S. Baniyapur, District Saran at Chhapra.
 2. Ramnath Singh, Son of Late Rameshwar Singh, Secretary, Prakash B.Ed. Teachers Training College, Chetan, Chhapra Baniyapur, P.S. Baniyapur, District Saran at Chhapra.

.... Petitioners

Versus

1. J. P. University, Chapra through its Registrar, J.P. University, At+P.S. and District Chapra.
2. The Examination Controller, J.P. University, At+P.S. & District Chapra.
3. The Vice-Chancellor, J.P. University, Chapra.

.... Respondent/s

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Appearance :

For the Petitioners	:	Mr. Rajendra Prasad Singh, Sr. Advocate
	:	Mr. Rajeev Kumar Singh, Advocate
For the University	:	Mr. Hansraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-06-2016

The Principal as well as the Secretary of what is known as Prakash B.Ed. Teachers Training College, Baniyapur in the district of Saran at Chhapra has filed the writ application seeking quashing of Annexure-1, which is a directive issued by the J.P. University to the college, to conduct a fresh practical examination for B.Ed. for the batch 2014-15. The order is not acceptable to the college or the authorities so the writ. In the alternative they have also sought a direction for publication of the result on the basis of so called examination held between 09.03.2016 to 11.03.2016.

2. Since the impugned order contained in Annexure-1



did not indicate the reason for such a decision, the University was directed to file a counter affidavit and explain the reason for issuance of Annexure-1. From the counter affidavit of the University, it is evident that the college authorities were not cooperating in conduct of the practical examination under gaze and supervision of the external examiners who were appointed by the University. Certain impediments were sought to be created to even ensure non-participation of one of the external examiner. Meaning thereby that the examination was conducted without supervision of the authorities so nominated who could certify the fairness and honesty of the exercise so done.

3. There is allegation and counter allegation. The Court will not go into the correctness or otherwise of those insinuations or allegations but, this Court is concerned with the honesty of examination which is required to be conducted specially for teachers who are going to play a significant role in maintaining the standards of teaching in the State of Bihar.

4. Bihar has been in the news for wrong reasons in the last month or so. Whatever has been thrown up in the media is not a matter which can be ignored or brushed aside casually. Things are rotten and they run pretty deep. Time has come when the Court should not be indulgent towards such institutions which are nursery for future

teachers who are going to be appointed in one capacity or the other in various schools of the State of Bihar.

5. The University authorities did fix a date immediately with a directive upon the college to facilitate holding of a fresh examination with new set of external and internal at yet another centre but that exercise has been sabotaged by non-cooperation and the petitioners have rushed to the Court seeking the relief indicated earlier.

6. In the controversial circumstances which emerge, this Court will neither interfere with the decision for holding of a fresh examination nor will it direct the University to declare the results of the examination so held. Let the University authorities notify a fresh date and a centre, nominate the externals and internals for conduct of a fresh examination without further delay and the petitioners will ensure that all such students and candidates participate in the said examination as per the schedule to be notified by the University which should be done within 15 days.

7. In addition to the above external and internals, the Sub-divisional Officer (Civil) exercising jurisdiction over the area where the examination will be conducted, will be the Special Observer to ensure a free and fair conduct of examination. He will give his report in this regard after the examination is over, to the

University certifying that the examination has been conducted in a free and fair manner, if it so, independent of the two externals and internals so nominated by the University. The University thereafter will declare the results without delay as already certain time has elapsed because of the controversy as well as filing of the writ application.

8. Writ application is disposed of with the above observation and direction.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.06.2016
Transmission Date	