

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9188 of 2016

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Shila Kumari Daughter of Ram Ashish Paswan, Resident of village- Birpur, P.S.-
Lalmaniya in the district of Madhubani

.... 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, Darbhanga Division, Darbhanga
5. The District Education Officer, Madhubani
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, Millat Teachers Training College, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar
For the Respondent/s	:	Mr. AAG5- Prabhat Kumar Verma
For the BSEB	:	Mr. Gyan Shankar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-07-2016

Heard learned counsels for the parties.

Petitioner was a student for D.Ed. (Diploma in Education)
course for the academic session 2011-2013. The institution in
question is Millat Teachers Training College, Madhubani. The writ
application has been filed, because the respondent-authorities of
Bihar School Examination Board are not willing to accept any form
and fee for her participation in the examination.

Admitted position is that the petitioner has not appeared
in the examination, which was finally conducted for the course in the
year 2015 after a public notice issued in this regard. This position
has been indicated in the counter affidavit filed on behalf of the

Examination Board that D.Ed. is an old course, for which the last of examination was held in the year 2015. Now, the teaching and the course has undergone a change, which is known as D.El.Ed (Diploma in Elementary Education). Since the Examination Board is not conducting any examination for students of the old course, who did not take the examination in the year 2015, there cannot be any mandamus for holding of any examination of a candidate in isolation.

Annexure – 3 is the advertisement clearly stating the position. The non-participation of the petitioner in the examination and the reason given in the writ application that she was awaiting the outcome of evaluation of one of the papers in which she had failed is far from convincing. Not only the petitioner has failed in asserting her right at the appropriate time but it is also a reflection on the kind of institution where she was pursuing her studies, which never bothered to inform the petitioner about such development.

In view of the above, the Court cannot compel the Examination Board to hold examination, which is no longer being held by them for the course, the petitioner has pursued in isolation.

Writ application, therefore, is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
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