

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6620 of 2014

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1. Ravi Kant Kumar Toni son of Shiv Sagar Das, resident of Village - Itawa, P.O. - Mubarakpur, P.S. - Barh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, State of Bihar, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Secondary Education, Govt. of Bihar, Patna
4. The Director, Primary Education, Govt. of Bihar, Patna
5. The Director, Arts and Culture, Government of Bihar, Patna
6. The Director, State Council for Education, Research and Training, Mahendru, Patna
7. The Bihar School Examination Board through its Secretary, Patna
8. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna
9. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey
For the Respondent-State: Mr. Aditya Nath Pandey, AC to SC1
For the Examination Board: Mr. Satyabir Bharti
For the Interveners : Mr. Kumar Kaushik

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-04-2016

Heard learned counsel for the petitioner, counsel for the State, counsel for the Bihar School Examination Board and counsel for the interveners.

The grievance of the petitioner was against the selection and appointment on the post of teachers in the secondary school of Zila Parishad for the subject of Fine Arts. Many a things was sought to be urged at the bar with regard to the kind of eligibility which is sought to be given leeway in such appointments.



The Court even passed an order of stay directing the respondents not to proceed in the matter in view of the fact that proper affidavit in opposition was not coming forth especially from the State of Bihar.

When the counter affidavit is filed on behalf of the State as well as the interveners, it emerges that the petitioner has not even qualified the qualifying examination to make him eligible for consideration in such appointment as a Fine Arts Teacher. Every teacher now is mandated to pass the Teacher Eligibility Test with a minimum of 55% marks for reserved category and 60% for general category. Petitioner has not qualified the said examination; therefore, he is not eligible for consideration in any manner. If that be so, obviously, he cannot be permitted to raise fingers on the selected or qualified candidates, who have otherwise become eligible for consideration for such appointment.

Learned counsel representing the Bihar School Examination Board very categorically submits that the value of the degree, the authenticity thereof etc. which have been obtained by various candidates across the country will be surely mandatorily looked into at the time of appointment. Hue and cry which is being sought to be raised by the petitioner is totally a misplaced kind of grievance to have as he is no where near the zone of consideration and he cannot

compete with the qualified candidates.

The Court now gets an impression that the whole effort made by the petitioner is to derail the process of such appointment though he knew very well that he is out of the race.

Writ application is dismissed.

The order of stay stands vacated.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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