

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7649 of 2014

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1. Atul Kumar S/o Late Raghunath Sharan Pandey Address - Rani Ghat (Sumati Path), Mahendru, 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
10. The Director, Bihar School Examination Board (Higher Secondary), Budha Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramanuj Tiwary

For the Respondent/s : Mrs. AC to SC 2

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-05-2016

The direction for relaxation of age for appointment as Music and Fine Arts Teachers in the Teachers Eligibility Test is the issue raised in the present writ application.

As per the petitioner, the 2012 Rules, which deal with appointment of Teachers for Zila Parishad secondary and higher secondary schools, clearly indicate that for trained teachers for appointment as secondary or higher secondary schools, relaxation of 10 years is required to be given both to physically handicapped teachers and trained teachers. However, in the present case when the

last advertisement was issued in terms of Annexure-3 a special examination was conducted. The relaxation in terms of the rule has not been given. The advertisement indicates that relaxation in age can only be given to physically handicapped category alone.

The Court fails to understand as to how the advertisement can be contrary to the rules which envisages grant of such relaxation in age up to 10 years both for physically challenged as well as trained teachers.

Since there is no advertisement at this juncture for holding a Teachers Eligibility Test for Music and Fine Arts, the respondent authorities are directed to keep in mind the rule which deals for grant of such exemption/ age relaxation even for trained teachers.

Writ is disposed of with the above observation.

The Court expresses its displeasure in the manner assistance has been rendered on behalf of the State and the State counsel.

(Ajay Kumar Tripathi, J)

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