

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20311 of 2016

- =====
1. Durgesh Kumar son of Sri Raj Kumar Gupta Resident of Mochaili Tal, Maharajganj, P.S. - Alamganj, P.O. - Guljarbagh, Patna City, District Patna Resident of P.O. & P.S. - District Patna.
 2. Kiran Kumari D/o Ayodhya Prasad Singh R/o Mo - Aadarsh Nagar, Road No -3, PO & PS Phulwarisharif, District - Patna.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The District Education Officer, Bhojpur at Ara.
4. Municipal Commissioner, Municipal Corporation, Ara, Bhojpur.
5. The Headmaster, H.N.K. + 2 High School, Ara, Bhojpur.
6. The Headmaster High School, Asani (P.O.) District Bhojpur, Ara.
7. The District Magistrate Patna.
8. The District Education Officer Patna.

.... Respondents

=====

Appearance :

For the Petitioners	:	Mr. Ram Kumar Singh, Advocate
For the State	:	Mr. Smt.Binita Singh-SC28
For Ara Municipal Corporation	:	Mr. Bishwa Bibhuti Kumar Singh, Advocate

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 16-01-2017

Heard parties.

This writ application has been filed *inter alia* for grant of following reliefs:-



- “I For issuance of direction to the Respondents to release the Certificate of Secondary / Senior Secondary Teacher Eligibility Test (BSITET) of the Petitioners which has been impounded in the Office of Respondent No - 3.
- II. For directing the Respondents to give permission to the Petitioners to appear in the Teachers Employment process to be held in Patna Division.
- III For issuance of such other appropriate order or direction which may deem fit and proper in the facts and circumstances of the present case.”

It is contended that pursuant to the notification published on 25.8.2015 in a daily newspaper, the petitioners applied for appointment as teachers in Music. However, due to Assembly election, the appointment process was stopped and, vide Annexure 3, fresh calendar for appointment process was issued. Both the petitioners applied pursuant to the notification dated 1.12.2015 for appointment on the post of teachers in Music under the Patna Nagar Nigam / Zila Parishad / Khagaul Zila Parishad. However, since selection process for the post of Music teacher was not proceeded and the petitioners were kept in dark, they joined as Music teacher in Bhojpur Zila Parishad / Nagar Nigam under Girls High School Asani and H.N.K. High School, Ara.



It is claimed by the petitioners that at the time of appointment, original certificates of Secondary / Senior Secondary Teacher Eligibility Test (STET) were deposited and kept in the office of the respondent no. 3, i.e., the District Education Officer, Bhojpur, Ara. Now, since the selection process under Patna Division is also going to commence as a notification in that regard has already been issued vide Annexure 6, the petitioner no. 1, who is physically challenged person and petitioner no. 2, who is a lady and her husband is employed in Patna Secretariate, want to participate in the aforesaid selection process of Patna Division but unless the original certificate is released by the respondent no. 3, they would not be able to participate and appointed in Patna Zone.

Though no counter affidavit has been filed in this matter, Annexure 5 which are appointment letters with respect to the petitioner no. 1 and petitioner no. 2 in Bhojpur District clearly stipulate under clause 5 thereof that after perusal of all the original certificates, the joining would be allowed. Similarly, clause 6 stipulates that the self attesting copies of all the certificates would be kept in the office so that they could be verified from the respective offices. Thus, it is clear therefrom that the original certificates as such are not required to be kept in



office. However, the petitioners claim that their original certificates are lying with the respondent no. 3 and are not being released.

Petitioners place reliance upon a decision dated 16.5.2014 rendered in **C.W.J.C. No. 8514 of 2014 (Abhishek Kumar and anr. Vs. The State of Bihar & ors.)**, as contained in Annexure 8, wherein in an identical situation, the learned Single Judge had directed the petitioners to approach the District Education Officer, Bhojpur, Ara, immediately with a copy of the order and a representation demanding return of their original STET certificate. Thereafter, the respondent no. 3 was required to take a decision in accordance with law.

Accordingly, this writ application is also being disposed of in terms thereof.

However, it is made clear that the petitioners claim that after such order having been passed, the certificate of other candidates have been returned by the respondent no. 3, thus, there should be no discrimination in the case of the petitioners and if the certificates are not to be returned then a reasoned order should be passed by the respondent no. 3. Since the process of selection in Patna Division would commence from 19th of January, 2017, the decision in this regard should be taken by the



District Education Officer, Bhojpur, Ara within two days after filing a representation by the petitioners for return of the same along with a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.01.2017
Transmission Date	NA

