

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4900 of 2014

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Haidar Ali, S/O Phodi Miyan, resident of Village- Khurseda, P.S-
Sahebganj, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Director, Primary Education, Government of Bihar, Patna.
4. District Magistrate, East Champaran at Motihari.
5. District Education Officer, East Champaran at Motihari.
6. District Program Officer (Education), East Champaran at Motihari.
7. Block Development Officer, Mehshi, District East Champaran at Motihari.
8. Block Education Extension Officer, Mehshi District East Champaran at Motihari.
9. Panchayat Secretary, Gram Panchayat Raj Mahmadpur Majhaulia, P.S- Mehshi, District-East Champaran at Motihari.
10. Mukhia, Gram Panchayat Raj Mahmadpur Majhaulia, P.S- Mehshi, District- East Champaran at Motihari.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate, Mr.
Md.Imteyaz Ahmad and Mr. Ravi Ranjan,
Advocates.

For the State : Mr. Nikhil Kr. Agrawal, A.C. to G.P. 9.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 28-11-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The following reliefs have been sought for by the
petitioner in the present writ application.

“ 1. That this is an application for
issuance of an appropriate writ, order
or direction for setting aside the order
as contained in Letter No. 9 dated
09.02.2014 passed by the Panchayat



Secretary, Gram Panchayat Raj Mahmadpur Majhaulia, P.S. Mehsi, District-East Champaran at Motihari, by which in view of the notification of the State Government as contained in Bihar Panchayat Primary Teachers (Employment and Service Condition) Rule, 2012 Clause 15(2), he passed an order of removal of the petitioner from the post of Panchayat Teacher as he failed to pass the Teachers Eligibility Test (Dakshta Priksha) on two occasions.”

The petitioner is aggrieved by the order as contained in Letter No. 09 dated 09.02.2014, passed by the Panchayat Secretary, Gram Panchayat Raj Mahmadpur Majhaulia, P.S. Mehsi, District-East Champaran at Motihari, by which the petitioner has been removed from the post of Panchayat Teacher for the reason that the petitioner could not clear the ‘Teachers Eligibility Test’ on two different occasions. Subsequently, the said provision has been amended.

As per Rule 15(kh)(iv) of Bihar Panchayat Prarambhik Shikshak (Niyojan Evam Seva Sart) (Sansodhan) Niyamawali, 2015 in place of two opportunities, an additional third opportunity is provided for those candidates who could not passed out the examination in question on earlier two occasions.

Considering the same, Letter No. 09 dated 09.02.2014, passed by the Panchayat Secretary, Gram Panchayat



Raj Mahmadpur Majhaulia, P.S. Mehsi, District-East Champaran at Motihari, is set aside in light of Rule 15(kh)(iv) of Bihar Panchayat Prarambhik Shikshak (Niyojan Evam Seva Sart) (Sansodhan) Niyamawali, 2015, if so advised, the petitioner may appear in the examination in question in light of the Amended Rule.

The present writ application is allowed.

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(Sudhir Singh, J)

