

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1384 of 2013

IN

Civil Writ Jurisdiction Case No. 9509 of 2013

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1. Prem Kumar S/O Chandra Kishore Mehta Resident Of Village- Pama, P.S- Sourbajar, District- Saharsa.
2. Dhanjay Kumar Dhiraj S/O Janardan Paswan Resident Ofvillage- Pastwar, P.O- Khirho Baluwaha, P.S- Manishi, District- Saharsa.

.... Appellants

Versus

1. The State Of Bihar through the Principal Secretary Human Resources Development New Secretariat, Punaichak, Patna.
2. The Commissioner, Koshi Range, Saharsa.
3. The District Magistrate, Saharsa.
4. The Bihar School Examination Board (Secondary Education), Through Its Secretary, Office Situated At Budh Marg, Patna.
5. The Director (Secondary Education), State Of Bihar New Secretariat, Punaichak, Patna.
6. The Sub Divisional Magistrate, Saharsa.
7. Md. Ayatullah S/O Md. Israfill R/O Village- Lachhminia, P.O- Telwa, P.S- Mahishi, District- Saharsa.
8. Awinash Kumar Bhagat S/O Awadhesh Kumar Bhagat R/O Village- Bhawdeva, P.S- Simribakhtiyarpur, District- Saharsa.
9. Ashish Kumar Jha S/O Krishna Gopal Jha R/O Village- Bara, P.S- Bihra, District- Saharsa.
10. Wasi Ahmad Ansari S/O Wali Ahmad Ansari R/O Village- Alinagar, Ward No. 22, P.S+ District- Saharsa.
11. Shatrudhan Kumar S/O Nirmal Yadav R/O Village- Sishwa, P.O- Mojamatti, P.S- Barharakothi, District- Purnea.
12. Om Prakash Kumar S/O Kapildeo Prasad Yadav R/O Village- Pathraha, P.O+ P.S- Ghailarh, District- Madhepura.

.... Respondents

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Appearance :

For the Appellants : Mr. Anuj Dilbar Krishna, Advocate
For the Respondent State: AC to SC-22
For the Respondent BSEB : Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 16-02-2017

Heard counsel for the appellants.

There is delay of 20 days in filing the appeal. For the



reasons indicated in the condonation application, the delay is condoned. I.A. No.7807 of 2013 is allowed.

The appeal has been moved by the appellants against the order of the learned single Judge dated 01.07.2013 passed in C.W.J.C. No. 9509 of 2013. From the narration of facts it seems that initially an examination known as Teachers Eligibility Test (TET) was held in the year 2011 in the State of Bihar. Since there were large scale reports of wrongdoing including leakages of the question papers etc. in the said TET examination especially in relation to the centers in the district of Saharsa, the first round of examination was cancelled. A new examination was also held. Some qualified, some did not and a mixed bag of writ applications came to be filed. Some challenged the decision of the Director, Secondary Education, cancelling the examination, the others challenged the comparative question papers, which were used in the second round of examination. Some wanted appointment on the basis of first round of examinations, whereas some wanted appointment on the basis of those who had qualified in the second round of examination. It was in this bundle of facts that the Court came to a considered opinion that the matter did not require any interference with regard to cancellation of the first examination nor anything was required to be said with regard to the question papers and the toughness, which



were expressed by the candidates with regard to the second examination. The conclusion, therefore, was rightly reached by the learned single Judge that no direction can be issued with regard to the cancellation of the first examination and no opinion was required to be expressed with regard to the second examination, but candidates who qualified in the second examination did become eligible for consideration for appointment as teachers in the State of Bihar.

No infirmity, therefore, is found with the decision and the conclusion reached by the learned single Judge in the controversial facts in relation to the TET examination.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.02.2017
Transmission Date	N/A

