

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16680 of 2012

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Kashi Nath Rai, Son of Late Bujhi Rai, resident of Village - Mahmadpur, Police Station - Bhagwanpur Hat, District - Siwan, at present posted and working as an Assistant Teacher in Govt. Upgraded Middle School Aurahi, Anchal Bardhariya, District – Siwan.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment), Siwan.
7. The Block Education Officer, Bardhariya, District – Siwan.
8. The Headmaster, Govt. Upgraded Middle School Aurahi, Anchal Bardhariya, District – Siwan.
9. The Bihar School Examination Board, Patna through its Secretary.
10. The Chairman, Bihar School Examination Board, Patna.
11. The Secretary, Bihar School Examination Board, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Umesh Kumar Mishra, Advocate.
For the Respondents : Mr. Ravindra Kr Choubey, S.C. 8.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 08-11-2017 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(i) For issuance of an appropriate writ in the nature of certiorari for quashing the Letter No. 3558 dated 31.07.2012, issued under the signature of the District Programme Officer (Establishment), Siwan, by which he has directed the petitioner to submit show cause with



evidence with regard to his teacher's training certificate on the ground that during the verification in O.T.R., his result has been shown pending by the Bihar School Examination Board, Patna.

(ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to accept the reply to the show cause filed by the petitioner as per the Letter No. 3558 dated 31.07.2012 issued under the signature of the District Programme Officer (Establishment), Siwan, by which he has categorically replied that the petitioner has passed teacher's training and the same is valid one as the petitioner has passed teacher's training by way of supplementary examination.

(iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent Bihar School Examination Board, Patna, to maintain the O.T.R. of the teacher's training examination of the petitioner by which the petitioner has passed teacher's training examination by supplementary examination conducted by Bihar School Examination Board, Patna, in year 1984.

(iv) For issuance of an appropriate writ in the nature of prohibition by restraining the respondent authorities concerned to not proceed against the petitioner for any coercive steps against the petitioner as the petitioner has passed teacher's training examination 1984 by way of supplementary examination and in this regard the Bihar School Examination Board, Patna, has issued marks sheet in favour of the petitioner.

(v) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to maintain the result/OTR of



teacher's training examination of the petitioner in which it is being mentioned that result is pending even though he has already passed the aforesaid teacher's training examination, 1984 and in this regard he has already represented to the Secretary, Bihar School Examination Board, Patna, on 08.08.2012 but no receiving is being given to the petitioner.

vi) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to allow the petitioner to continue as an Assistant Teacher in the Govt. Upgraded Middle School, Aurahi, Anchal-Bardhariya, District-Siwan, as he has been selected on the basis of the teachers' training certificate, he has passed the teacher's training course, 1984 result has been published by the Bihar School Examination Board, Patna, and he has been appointed as per the Bihar State Special Primary Teachers' Selection Rule, 2010, after following all the legal and valid procedure.

(vii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to pay the salary of the petitioner month to month till date with all consequential benefits i.e., continuity of service, seniority and with all monetary benefits."

A counter affidavit has been filed on behalf of respondent nos. 9 to 11. In paragraph no. 7 of the counter affidavit, it has been stated that the petitioner has been declared as passed in his Teacher's Training Examination and the marks-sheet appended vide Annexure-1 series with respect to his Teachers Training



Examination is found to be genuine and correct, which has duly been verified with the records of the Board.

Considering the aforesaid facts and circumstances and the stand of the respondents taken in the counter affidavit, the petitioner is directed to file afresh representation before the District Education Officer, Siwan, respondent no. 5, who shall consider the case of the petitioner within a period of three months from the date of filing of representation and pass appropriate order in accordance with law.

With the aforesaid observations and directions, the present writ application stands disposed of.

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(Sudhir Singh, J)

