

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4919 of 2014

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Nilam Sinha, Wife of Jitendra Prasad Singh, resident of Village- Singaila,
P.S. Motipur, District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Director, Primary Education, Govt. of Bihar, Patna.
4. District Magistrate, East Champaran at Motihari.
5. District Education Officer, East Champaran at Motihari.
6. District Programme Officer (Establishment), 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, Kothia Hareram, P.S. Mehshi, District-East Champaran at Motihari.
10. Mukhia, Gram Panchayat Raj, Kothia Hareram, P.S. Mehshi, District - East Champaran at Motihari.

.... Respondents

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Appearance :

For the Petitioner : M/S. Ajay Kumar Thakur, Md. Imteyaz
Ahmad and Ravi Ranjan, Advocates.

For the State : Mr. Naman Dayal, A.C. to A.A.G. X.

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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. 1 dated
05.02.2014 passed by the Panchayat



Secretary, Gram Panchayat Raj Kothia Hareram, P.S. Mehshi, District-East Champaran at Motihari, by which he asked the petitioner to file show cause as to why she should not be removed as on two occasion she failed to secure the minimum marks in Eligibility Test Examination as per notification of the State Government as contained in Bihar Panchayat Primary Teachers (Employment and Service Condition) Rule,2012 Clause 15(2) .”

The petitioner is aggrieved by the order as contained in Letter No. 01 dated 05.02.2014, passed by the Panchayat Secretary, Gram Panchayat Raj Kothia Hareram, P.S. Mehshi, 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. 01 dated 05.02.2014, passed by the Panchayat Secretary, Gram Panchayat



Raj Kothia Hareram, P.S. Mehshi, 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)

