

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2050 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 19060 of 2015**

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Md. Tahir, son of Abdul Hassan, Resident of Village- Mahua Bhusa, P.O.-
Lachhnautta, District- West Champaran, presently posted at Upgraded Middle
School, Kishunpur, Kako, District- Jharkhand

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Jehanabad.
4. The District Programme Officer, Establishment, Jehanabad.
5. The Bihar School Examination Board, Budh Marg, Patna through its Secretary.
6. The Chairman, Bihar School Examination Board, Budh Marg, Patna.
7. The Secretary, Bihar School Examination Board, Budh Marg, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar, Advocate

For the Respondent/s : Mr. Amarendra Kumar, A.C. to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-05-2017

This appeal under Clause 10 of the Letters Patent has



been filed seeking exception to an order dated 19.09.2016 passed by the learned Writ Court in C.W.J.C. No. 19060 of 2015.

2. Appellant's result with regard to Teachers Training has been cancelled and consequently appointment of the appellant as a Teacher has also been cancelled vide orders passed on 18.08.2015 and 21.11.2015 and challenging the same the writ petition in question was filed.

3. It is the case of the appellant that cancellation of the result of the appellant with regard to Teachers Training Examination after an inordinate period of time i.e. after the appellant passed the said examination in the year 1972 and consequently cancelling his appointment as an Assistant Teacher effected in the year 2012 is unsustainable.

4. We find after hearing learned counsel for the parties and on going through the detailed affidavits and material available on record not only in this appeal but also in the writ petition that in the matter of appointment of Assistant Teachers finding there to be various irregularities Hon'ble Supreme Court had directed to cause an inquiry and for the same a three Member Committee was also appointed. In this inquiry, the appointments of the year 2012 were also under consideration and scanner and during the exercise that was undertaken it was found that the appellant had passed the



Matriculation examination in the year 1972 having obtained 3rd Division marks i.e. only 287 marks and as per the rules governing admission to the Teachers Training Course, the minimum marks which was required to be obtained by a general candidate was 55 per cent. Finding there to be serious irregularity in inducting the appellant even as a Teachers Trainer and finding the consequential appointment of the appellant also unsustainable, impugned action was taken and after examining all aspects of the matter the learned Writ Court found that the appellant in fact even if it is reported that he has passed in the 3rd Division, the Inquiry Report and the original endorsements therein based on tabulation results etc. goes to show that appellant's result was withheld and even after the result is found to be withheld, the learned Writ Court has expressed surprise as to how mark-sheet was issued to the appellant.

5. Taking note of the total illegality that came out in the inquiry, the learned Writ Court has dismissed the writ petition and we see no reason to make any indulgence into the matter only because the inquiry with regard to the qualification obtained by the appellant was held after a long period of time. The inquiry was initiated because of directions issued by the Hon'ble Supreme Court and if in this inquiry glaring illegalities were found, there is no reason for interfering into the matter when appellant's appointment itself is



found to be unsustainable.

6. The Letters Patent Appeal is, accordingly,
dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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