

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6327 of 2014

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Nikhat Perveen, daughter of Abdul Kudus, wife of Md. Mohsin Dayal,
Resident of Village- Ganeshpur, P.S.- Marauna, District- Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department,
Government Of Bihar, Patna
3. The Director, Primary Education, Education Department, Government Of
Bihar, Patna
4. The District Magistrate, Supaul
5. The District Education Officer, Supaul
6. The District Programme Officer, Establishment, Supaul
7. The Block Education Officer, Marauna, District- Supaul
8. The Headmaster, Urdu Utkramit Middle School, Ganeshpur, Marauna,
District- Supaul

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Manish Kumar No 13, Advocate Mr. Rohit Kumar No.5, Advocate Mr. Jitendra Kumar Bharti, Advocate Mrs. Kanchan Jha, Advocate Mrs. Nilu Kumari No.7, Advocate
For the State	:	Mr. J.K. Roy, SC-13

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The following reliefs have been sought for on behalf of the
petitioner in the present writ application.

“(1) A writ of Certiorari setting aside
the order contained in Memo
No.250/Marauna dated 21/07/2012
passed by Respondent District Education
Officer, Supaul as contained in Annexure-
2, whereby and whereunder it was



ordered to remove the petitioner from the service of Block Teacher on account of being failed to pass the Teachers Evaluation Eligibility Test held in the year 2009 and 2010 and hence directed the Block Education Officer, Marauna to cancel her appointment and further petitioner was directed by the Headmaster, Respondent No.8, not to work.

(II) A writ of Mandamus commanding the respondent authorities to reinstate/ to allow the petitioner to work as the impugned order seeking her removal without giving her an opportunity of hearing is illegal and against the settled principle of law, with all consequential benefits.”

The petitioner is aggrieved by the order as contained in Memo No.250 dated 21.07.2012, passed by the District Education Officer, Supaul, by which the petitioner has been removed from the post of Prakhand 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 4 (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 have passed out examination in question on earlier two occasions.

Considering the same, Memo No.250 dated 21.07.2012, passed by the District Education Officer, Supaul, is set aside in light of Rule 4 (kh) (iv) of the 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.

(Sudhir Singh, J)

Narendra/-

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