

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15930 of 2014

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Sabita Kumari, wife of Sanjay Kumar Singh, resident of village - Post & Police Station - Jadopur Dukhaharan, District – Gopalganj.

.... Petitioner

Versus

1. The State of Bihar.
2. Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education officer, Gopalganj.
5. The District Programme Officer (Establishment), Gopalganj.
6. Block Education Officer, Gopalganj.
7. The Mukhia, Gram Panchayat Raj, Jadopur Dukhaharan, Anchal & District – Gopalganj.
8. Panchayat Secretary, Gram Panchayat Raj, Jadopur Dukhaharan, Anchal & District – Gopalganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Indrajeet Bhushan, Advocate.

For the State : Mr. Harendra Kumar, A.C. to G.P. 25.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 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. (i) For issuance of writ of certiorari for quashing of letter No. 298 dated 28.02.2014 issued by the Director (Primary Education) to District Education Officers and District Programme Officers (Establishment) by which a direction has been issued to remove/terminate all those teachers from service who have not passed the Teachers’



Eligibility Test (TET) even in second attempt and petitioner further prays for quashing of the consequential letter issued by the District Programme Officer (Establishment), Gopalganj and the Block Education Officer, Gopalganj vide letter no. 1014 dated 29.03.2014 and letter no. 210 dated 17.04.2014 respectively by which the concern appointment unit has been directed to terminate the petitioner from service.

(ii) For issuance of a writ of mandamus directing respondent-appointment unit not to terminate the petitioner from service in view of the aforesaid direction of the respondent nos. 5 and 6. ”

The petitioner is aggrieved by the order as contained in Letter No. 298 dated 28.02.2014, issued by the Director, (Primary Education), Government of Bihar, Patna, and its consequential letter no. 1014 dated 29.03.2014 and letter no. 210 dated 17.04.2014 issued by the District Programme Officer(Establishment), Gopalganj and the Block Education Officer, Gopalganj, respectively 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 has been provided for those candidates who could not passed out the examination in question on earlier two occasions.

Considering the same, Letter No. 298 dated 28.02.2014, issued by the Director (Primary Education), Bihar, Patna, and its consequential letter no. 1014 dated 29.03.2014 and letter no. 210 dated 17.04.2014 issued by the District Programme Officer (Establishment), Gopalganj and the Block Education Officer, Gopalganj, respectively are 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)

