

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6568 of 2017

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Nand Kishore Sharma, Son of Sri Kedar Nath Sharma, resident of
Village/Mohalla- Maulabag, Police Station- Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary, Education Department, Government of Bihar, Patna.
3. The Joint Secretary, Education Department, Government of Bihar, Patna.
4. The Director Bihar Education Project, Government of Bihar, Patna.
5. The Director, Primary and Secondary Education, Government of Bihar, Patna.
6. The Bihar School Examination Board, through its Secretary, Patna.
7. The Secretary, Bihar School Examination Board, Patna.
8. The Examination Controller, Bihar School Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :
For the State : Mrs. Shilpa Singh, Advocate
For Respondent No. 4 : Mr. Girijesh, Advocate
For B.S.E.B. : Mr. Satyabir Bharti, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-07-2017

This Public Interest Litigation has been filed for quashing the advertisement issued by Respondent Nos. 6 to 8 the Bihar School Examination Board in the matter of conducting eligibility test, namely, the Bihar Primary Teacher (Trained) Eligibility Test, 2017.

The issue in question is a service matter with regard to appointment of trained teachers in the Primary School and conduct of an eligibility test in accordance to the statute.



As this is a service issue, Mrs. Shilpa Singh learned counsel for the respondent State and Sri Girijesh and Satyabir Bharti for the respondents invites our attention to the judgment rendered by the Supreme Court in the case of **Bholanath Mukherjee & Others Vs. Ramakrishna Mission Vivekananda Centenary College & Others- (2011) 5 Supreme Court Cases 464** and the Delhi High in the case of **Forum of SC and ST Legislators and Parliamentarians Vs. Oil and Natural Gas Corporation Ltd. & Another (WP (C) No. 1698 of 2017) decided on 27.02.2017** to say that Public Interest Litigation with regard to a dispute pertaining to recruitment to a service is not maintainable.

Keeping in view the aforesaid objection, we find no reason to make any indulgence into the matter.

The writ petition stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	14.07.2017
Transmission Date	

