

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2128 of 2016

IN

Civil Writ Jurisdiction Case No. 9821 of 2016

- =====
1. Kumari Renuka, Daughter of Ram Ekbal Singh, Resident of village - Rajapur, P.S. Navgaon, District - Saran
 2. Munni Begam, Daughter of Late Md. Karimullah, Resident of village - Bibiganj, P.S. Bibiganj, District - Patna
 3. Rajeshwari Kumari, Daughter of Laldeb Rai, resident of village - Habibpur, P.S. Vaishali, District - Vaishali
 4. Sachchita Kumari, Daughter of Madan Prasad Yadav, Resident of village - Morba Mohanpur, P.S. Morba Mohanpur, District - Samastipur
 5. Sunita Kumari, Daughter of Ramanand Jha, Resident of village - Bozidpur, P.S. Fatehpur, District - Vaishali

.... Appellants

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Old Secretariat Building, Patna
2. The Director, Primary Education, New Secretariat, Patna
3. The Bihar School Examination Board, Sinha Library Road, Patna through its Secretary,
4. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna
5. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna
6. The Secretary, Millia Kaneez Fatima Women's Primary Teachers Training College, Rambagh, Purnea
7. The Principal, Millia Kaneez Fatima Women's Primary Teachers Training College, Rambagh, Purnea

.... Respondents

With

Letters Patent Appeal No. 2127 of 2016

IN

Civil Writ Jurisdiction Case No. 9736 of 2016

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1. Rajeshwar Singh, Son of Jangbahadur Singh, Resident of village - Saidpur, Patera, P.S. Sarai, District - Vaishali
 2. Om Prakash Pankaj, Son of Diyali Paswan, Resident of village - Turki, P.S. Goraul, District - Vaishali
 3. Swaym Prakash Pankaj, Son of Diyali Paswan, Resident of village - Turki, P.S. Goraul, District - Vaishali
 4. Md. Wakil Ansari, Son of Md. Ushman Ansari, Resident of village - Maricha, P.S. Sarai, District - Vaishali
 5. Md. Ayub, Son of Mahboob Khan, Residen of village - Desari, P.S. Desari, District - Vaishali

.... Appellants

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Old Secretariat Building, Patna
2. The Director, Primary Education, New Secretariat, Patna



3. The Bihar School Examination Board, Sinha Library Road, Patna through its Secretary,
4. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna
5. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna
6. The Eastern Regional Committee, National Council for Teacher Education, 15 Neelkanth Nagar, Nayapalli, Bhubneshwar, through its Regional Director
7. The Regional Director, Eastern Regional Committee, National Council for Teacher Education, 15 Neelkanth Nagar, Nayapalli, Bhubneshwar
8. The Secretary, Millia Sir Syed Primary Teachers Training College, Rambagh, Purnea
9. The Principal, Millia Sir Syed Primary Teachers Training College, Rambagh, Purnea

.... Respondents

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Appearance :

For the Appellant/s : Mr. Suman Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 02-04-2018

Challenging the judgment dated 03.10.2016 passed in CWJC No. 9821/2016 by the learned writ court, the present Letters Patent Appeals have been preferred by the original writ petitioners.

2. By the impugned judgment, the learned writ court has been pleased to dismiss the writ application holding that similar matters has already been considered by this court and rejected on the ground that compartmental examination in question was held as a one time measure giving opportunity to all such teachers who wanted to sit for the old course. The learned court has found that the old course is dead and new



courses are in place, therefore, now no further direction for holding any compartmental examination may be given or is required.

3. We have heard learned counsel for the appellants in both the Letters Patent Appeals and perused the records. The writ applications were preferred for a direction to the respondents Bihar School Examination Board, Patna to organize either compartmental or supplementary examination for the appearance of the petitioners in primary teachers training examination (old course) for the Session 1989-90, 1990-92 and 1991-93 after acceptance of their fees and forms and to publish their result as soon as if possible as they were the failed candidates of Primary Teachers Training Examination, 2013. Learned counsel for the appellants have taken us through the order dated 14.08.2012 passed in Civil Appeal No. 5880-5881/2012 by the Hon'ble Supreme Court and we have accordingly gone into the order of the Hon'ble Apex Court.

4. On perusal of the order passed by the Hon'ble Apex Court, we find that in the concluding part of the order their Lordship of the Hon'ble Apex Court have held as under:

“After hearing learned counsel for the appellants and the respondents, we find that by a judgment of



this Court in Pushpa Kumari and Others Vs. State of Bihar and Others (2011) 10 SCC 189, it has been held that the Act which has come into force on 1.7.1995 will not apply for any period prior to the academic session 1995-96 and students who have undertaken the teachers' training course in a college which had a valid recognition of the State Government during the academic sessions 1985-87 to 1993-95 were entitled to take examinations conducted by the Board. The aforesaid law laid down by this Court squarely applies to the facts of the present case. The five appellants have undertaken the teachers' training course in the college which had a valid recognition from the State Government for the period 1989-91 to 1993-95. We, however, find that although the aforesaid recognition was cancelled by the State Government by memo dated 18.11.1999, the said memo has been quashed by the High Court in a writ petition. The result is that during the period the appellants have undergone the B.Ed. training in the college, the college had a valid recognition.

We therefore, allow these appeals, set aside the impugned judgments of the Division Bench and the learned Single Judge of the High Court and direct that Bihar School Examinations Board will conduct the examination of the appellants as early as possible. There shall be no order as to costs."

5. We find that in the said case the Hon'ble Apex Court had held that the students who have undertaken the teachers training course in a college which had a valid



recognition of the State Government during the academic session 1985-87, 1993-95 were entitled to take examinations conducted by the Board.

6. In the facts of the said case the civil appeals were allowed by the Hon’ble Apex Court and a direction was issued that the Bihar School Examination Board will conduct the examination of the appellants as early as possible.

7. We are in agreement with the view taken by the learned writ court that the examination conducted by the Board was a one time measure giving opportunity to all such teachers who wanted to sit in the said examination. Such examination cannot be conducted again and again.

8. The Letters Patent Appeals have no merit. Those are accordingly dismissed.

(Rajendra Menon, C.J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.04.2018
Transmission Date	NA

