

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.590 of 2016

IN

Civil Writ Jurisdiction Case No. 19695 of 2015

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Vijay Shankar Kishore Jha Son of Sri Chandra Shekhar Jha R/o Village-Manikpur,
P.S.-Maniyari, District-Muzaffarpur, Bihar, presently residing at Village-Atardah,
P.O.-Ramna, P.S.-Muzaffarpur Sadar, District-Muzaffarpur, Bihar.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, Muzaffarpur.
4. The Block Education Officer, Block-Lakhnour, Madhubani.
5. Bihar School Examination Board through its Chairman, Sinha Library Road, Patna-800017.
6. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna-800017.
7. The Deputy Secretary, Bihar School Examination Board, Sinha Library Road, Patna-800017.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Kumar Kaushik, Advocate.
For the Respondent/s : Mr. Ashok Priyadarshi, GA 4.

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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: 28-03-2018

Challenging the judgment dated 15.02.2016 passed in
CWJC No. 19695 of 2015 the writ petitioner has preferred this intra-
court appeal under Clause 10 of the Letters Patent.

2. The Writ Petition was preferred for a direction to the
respondent Bihar School Examination Board to issue a Teachers
Training Certificate to the petitioner, who claimed that he had



completed his training during the Session 1985-87 from Bhagwan Budha Teachers Training College, Bajraha, Siwan and had passed in the said examination which was conducted on 24.01.1991.

3. The learned Writ Court did not allow the petitioner to raise the issue with regard to participation of the petitioner in the examination of Teachers Training for the Session 1985-87 for which examination was held in the year 1991 because such issues were found to be disputed. The learned Writ Court found that the petitioner kept quiet and it took more than two decades for the petitioner to raise a grievance in respect of issuance of his Teachers Training Certification and, at this belated stage, the learned Writ Court was not inclined to exercise its extra-ordinary writ jurisdiction granting discretionary relief to the petitioner.

4. Learned counsel for the appellant has assailed the judgment of the learned Writ Court stating that the learned Writ Court could not appreciate that the appellant was not sleeping over his rights and, in fact, had been submitting his representations from time to time to the authorities concerned.

5. On perusal of the Writ Application as well as the response filed on behalf of the respondents Board, we find that the assertion of the petitioner has been strongly refuted by the respondent Board. The Board has taken a specific stand that from perusal of the



list of 100 aspiring students pertaining to the Session 1985-87 provided by the Principal of the College concerned it is evident that the name of the petitioner was not provided in the said list, meaning thereby that the petitioner was neither sent up nor did he appear in the Teachers Training Examination as a regular student during the Session 1985-87.

6. In view of the serious dispute raised by the respondent Board in its Counter Affidavit, in our opinion, the learned Writ Court has rightly refused to exercise its writ jurisdiction under Article 226 of the Constitution of India in the matter which was brought before the Court after more than two decades from the year in which the petitioner claims to have pursued his Teachers Training course and had appeared in the examination.

7. In the nature of the pleadings available on the record, we do not find any infirmity or illegality in the impugned judgment.

8. The Appeal has no merit. It is accordingly dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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