

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11726 of 2014

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1. Rajeev Nayan, S/o Ambika Prasad R/o Village- Saithna, P.O- Salaunja, P.S- Halsi, Distt- Lakhisarai.
 2. Vijay Kumar, S/o Tripit Narayan Singh, R/o Village+ P.O- Nauma, P.S- Halsi, Distt- Lakhisarai.
 3. Manoranjan Kumar S/o Late Ram Newaj Singh R/o Village+ P.O- Mahsaura Via- Sirari, P.S+ Block- Ramgarh Chowk, Distt- Lakhisarai.
 4. Sadanand Prasad, S/o Ram Sharam Prasad R/o Village- Dhanbiga, P.O- Samve, P.S+ Block- Varisaliganj, District- Nawada.
 5. Shrawan Kumar Pandey, S/o Late Aditya Pandey R/o Village+ P.O.+ P.S.- Dhamaul, Block- Pakri Varanwa, Distt- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principle Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Jamui.
5. The District Education Officer, Nawada.
6. The District Programme Officer, Nawada.
7. The State Council of Educational Research & Training (SC ERT), Bihar, Patna through its Director.
8. Block Education Officer, Nawada.
9. Block Education Officer, Pakri Varanwa, Nawada.
10. Block Education Officer, Sikandara, Jamui.
11. Block Education Officer, Jamui.
12. Block Education Officer, Khaira, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate.
For the Respondent/s : Mr. Chitranjan Sinha, PAAG-2
Mr. Sudish Kumar, AC to PAAG-2.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 18-09-2018

Heard learned counsel for the petitioners and learned
counsel for the State.

2. The petitioners are aggrieved by the evaluation of answer sheets on the basis of wrong questions done by the State Education Research and Training Council, Bihar, Patna by way



of conducting Elementary Teachers Evaluation (Ability) Examination-2013.

3. Learned counsel for the petitioners submits that consequent to arbitrary decision of conducting the examination on the basis wrong questions, petitioners have to lose their job on account of non-passing of the eligibility test.

4. Learned counsel drawn attention of this Court to Annexure-A to the counter affidavit which admits that in terms of the letter of the Director, Primary Education contained in Memo No. 298 dated 28.02.2014, the Principal Secretary pursuant to the direction of the Director, Primary Education dated 28.02.2014 for removal of teachers has been kept in abeyance. Subsequently, the matter was taken to the Supreme Court and the Supreme Court directed the respondents to provide further opportunity to teachers to appear and clear their eligibility test. Following the decision of the Apex court, the respondents themselves decided to grant further opportunity to the teachers to clear their efficiency test and in view of subsequent development, the apprehension of the petitioners that they may be removed from the job on account of their failure in the examination conducted by the State Education Research and Training Council, Bihar, Patna is misconceived. The writ application is disposed of with a direction to the respondents not to disturb the petitioners on account of their failure in examination conducted by the respondents State Education Research and Training Council, Bihar, Patna and allow the petitioners to continue uninterruptedly as teachers in the light of their own policy decisions. So far infirmity in conducting the examination, the Court does not find any justification to interfere at this stage.



5. With the aforesaid observation and protection to the petitioners, the present writ applications stands disposed of.

(Anil Kumar Upadhyay, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

