

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12096 of 2014

-
-
1. Arun Kumar Arvind S/o Sri Ganpat Lal Das, Resident of Pilwaha, P.S.- Jadia, District- Supaul
 2. Ajay Kumar Mandal S/o Sri Mahesh Lal Mandal, Resident of Hasna, P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, New Secretariat, Patna
2. The Director, State Council of Educational Research & Training, Bihar Education Department, New Secretariat, Patna
3. The Joint Director, State Council of Education Research and Training, Bihar, Education Department, New Secretariat, Patna
4. The Director, Primary Education, Education Department, New Secretariat, Patna
5. The Deputy Director, Primary Education, Education Department, New Secretariat, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate.
For the Respondent/s : Mr. Saroj Kumar, AC to GP-8

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 petitioner is aggrieved by the evaluation of answer sheets done by the State Education Research and Training Council, Bihar, Patna while conducting Elementary Teachers Evaluation (Ability) Examination-2013.

3. It is submitted that in the examination many wrong questions were set and as such it has adversely affected the evaluation of merit of the teachers. The apprehension of the petitioner in view of the adverse result that petitioner may lose the job as there is limited chance to clear the Elementary Teachers Evaluation (Ability) Examination-2013. The issue with regard to action on failure to clear the test within two



opportunity, was taken to the Apex Court and after the Apex Court decision, the respondents have decided to grant further opportunity to the teachers to appear and clear the eligibility test.

4. In view of the aforesaid development, the Court is of the view that the apprehension of the petitioner is misconceived. So far as the direction to take note of the wrong questions in the evaluation is concerned, in view of the passage of time, no indulgence can be granted. The decision as to reevaluation of answer sheets or revise the result does not merit consideration at this stage. However, it is made clear that failure in the examination will not be a ground to terminate the services of the petitioner particularly when the respondents themselves have decided to grant further opportunity to appear and clear the eligibility test.

5. Learned counsel for the petitioner submits that in 2016 Elementary Teachers Evaluation (Ability) Examination, the petitioner appeared and cleared the test.

6. In view of the aforesaid, the issue raised in the present writ application has become academic and does not warrant any interference. Accordingly, it is disposed as infructuous.

(Anil Kumar Upadhyay, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

