

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.806 of 2018

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1. Parivartankari Prarambhik Sikshak Sangh, Bihar, Regd Office at Raksha (South) Via Kanti, P.S. - Karja, District - Muzaffarpur represented through its State President Sri Banshidhar Brajwashi Son of Sri Nand Kishore Sahani Resident of Village - Raksha (South), P.S. - Karja, District - Muzaffarpur.
 2. Samrendra Bahadur Singh S/o Sri Balindra Singh resident of village - Senduar, PO - Rampur Bindalal, P.S. - Ekma, Dist - Saran presently working as Dist Chairman, Saran, Parivartankari Prarambhik Sikshak Sangh, Dist. - Saran.
 3. Rahul Ranjan Son of Sri Ram Vinod Sharma Resident of Village - Sabalpur, P.O. & P.S. Sonapur, District - Saran, presently working as Saran Block Chairman, Parivartankari Prarambhik Sikshak Sangh, Dist - Saran.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development, Bihar, Patna.
3. The Director, Primary Education, Department of Human Resources Development, Bihar, Patna.
4. The Director, Secondary Education, Department of Human Resources Development, Bihar, Patna.
5. The Joint Secretary, Department of Education, Govt. of Bihar, Patna.
6. The Secretary, Bihar School Examination Board, Patna.
7. The Director, State Council of Educational Research and Training (SCERT), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai
For the Respondent/s : Mr. Rajesh Kumar Sinha, AC to GP-23
For B.S.E. Board : Mr. Satyabir Bharti, Advocate
Ms. Aparna Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 04-05-2018

Learned counsel for the petitioners is permitted to make correction in paragraph no.2 of the writ application.

2. Heard learned counsel for the petitioners and the respondents.

3. Earlier six weeks' time was granted to the



respondents to file counter affidavit vide order dated 16.02.2018. Unfortunately, neither the grievance of the petitioners has been redressed nor counter affidavit has been filed.

4. The prayer in the instant writ application is for a direction to the respondents to conduct the examination of Elementary Teachers Examination for the Sessions 2013-15 and 2014-16.

5. Learned counsel for the petitioners submits that despite completion of the training course, due to default of the respondents, the training examinations are not completed and as a result thereof the petitioners shall be deprived of trained scale.

6. Considering the aforesaid, particularly, the inaction on the part of the respondents Bihar School Examination Board and their failure to file counter affidavit, the Court is constrained to direct the respondents to ensure conduct of examination at the earliest preferably within a maximum period of three months from the date of receipt/production of a copy of this order in view of the fact that the petitioners are deprived of the benefit of trained scale on account of the failure on the part of the respondents in holding the examination and publishing the result. The respondents cannot take the advantage of their own default in holding the examination and publishing the result.



7. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2018
Transmission Date	

