

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8303 of 2017

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1. Prakash Kumar Srivastav, son of Triloki Prasad, Resident of Prakash Nagar, Ward No. 11, Narkatiaganj, P.O. Narkatiaganj, Police Station - Shikarpur, District - West Champaran.
 2. Rupesh Kumar Mishra, son of Rama Kant Mishra, Resident of Jaysinghpur, P.O. Shikarpur, Police Station - Sikta, District - West Champaran.
 3. Manik Mandal, son of Subal Mandal, Resident of Pipra Colony, P.O. Padraun, Police Station - Sahodra, District - West Champaran.
 4. Akhileshwar Prasad, son of Dhruw Prasad, Resident of Ahwar Shekh, P.O. Alamganj Bazar, Police Station - Majhauriya, District - West Champaran.
 5. Ravi Kumar, son of Aniruddha Prasad, Resident of Mill Bahari, P.O. and P.S. Ram Nagar, District West Champaran.
 6. Umesh Prasad Gupta, son of Vinod Prasad Gupta, Resident of Sukhlahi, P.O. Bhaluwahiya, Police Station Mainatand, District - West Champaran.
 7. Ramesh Kumar Ray, son of Sri Kumud Ray, Resident of Shanichary Colony, P.O. Parsa Factory, Police Station - Sanichari, District - West Champaran.
 8. Akhilesh Kumar Mishra, son of Shankar Mishra, Resident of Jaysinghpur, P.O. Shikarpur, Police Station - Sikta, District - West Champaran.
 9. Nishant Mani Tripathi, son of Suresh Mani Tripathi, Resident of Sikta Bazar, P.O. Sikta, Police Station - Sikta, District - West Champaran.
 10. Amit Kumar, son of Anirudh Prasad, Resident of Mudila (Indra Tola Pain), P.O. and Police Station - Ram Nagar, District - West Champaran.
 11. Udaya Kumar Ray son of Gopal Ray Resident of Pipra Colony, P.O. Padraun, Police Station - Sahodra, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The Chairman, Bihar School Examination Board, Patna.
6. The Secretary, Bihar School Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Advocate
Mr. Ram Kishun Prasad, Advocate
For the Respondent/s : Mr. Jitendra Kr. Roy No. 1, SC13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 02-05-2018

Heard learned counsel for the petitioners and State.

2. Mr. Siya Ram Shahi, learned counsel for the



petitioners submits that the petitioners have acquired eligibility after passing TET in Social Science Stream. The eligibility acquired by the petitioners is valid for a period of seven years and if the respondents do not take steps for filling up the post, the petitioners' eligibility will come to an end. He submits that the petitioners have already filed representation before the respondents, but they have not taken any step to fill up the vacant post.

3. Prima facie, the Court is of the view that no positive direction can be issued in favour of the petitioners, however, the Court finds substance in the submission of the petitioners to the extent that acquiring eligibility may not be frustrated by the respondents' inaction in the matter of filling up the post, particularly, in view of the fact that after right to Compulsory Education Act, 2009, the respondents are required to maintain the students teachers ratio in order to ensure quality education.

4. Considering the aforesaid, the writ application is disposed of with a direction to the respondents to grant at least one opportunity to the petitioners in the selection process and they cannot be denied the opportunity to participate in the selection process in future saying that seven years have expired after passing TET examination.

5. In the event, in future the respondents advertise the



selection process, they must provide at least one opportunity to the petitioners and alike, who have acquired eligibility after passing TET examination.

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

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2018
Transmission Date	

