

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4997 of 2019

1. Surendra Kumar Sharma Son of Sri Jageshwar Sharma, resident of Village-Samaura, Police Station- Kusheshwar Asthan, District- Darbhanga.
2. Manoj Kumar Chaudhary, Son of Sri Chandra Deo Chaudhary, resident of Village- Andhratharhi, Police Station- Andharatharhi, District- Madhubani.

... .. Petitioner/s

Versus

1. Bihar School Examination Board, Patna, through its Chairman.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.
4. The Examination Controller, Bihar School Examination Board Patna.
5. The Principal, Primary Teachers Training College, Ghoghardiha, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav
For the Respondent/s : Mr.Lalit Kishore

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
CAV JUDGMENT

Date : 17-10-2019

The present writ petition has been filed for directing the respondents to issue admit-card to the petitioners and allow them to appear in D.EL.Ed. two years Teachers Training Final Examination, 2019 by holding Special Examination for them and thereafter, publish the result before 31.3.2019.

2. The brief facts of the case, according to the petitioners, are that the petitioners passed Bihar Elementary Teacher Eligibility Test-2011, whereafter the petitioner no. 1 was



appointed as Panchayat Teacher vide letter dated 14.10.2014 and the petitioner no. 2 was appointed as Block Teacher vide letter dated 14.11.2014 whereupon the petitioners have been working without any break. It is the case of the petitioners that they were untrained at the time of their appointment and the minimum qualifications prescribed for appointment in Primary / Middle school is intermediate pass and having passed two years teachers training course, however, Section 23 of The Right of Children to Free and Compulsory Education Act, 2009 provides for relaxation in the training qualification for five years, which was initially extended upto the month of March, 2015 and thereafter, vide an amendment in the year, 2018, the same was extended upto 31.3.2019. The petitioners are stated to have taken admission in two years D.EL.Ed. Course, Session 2017-19 in the Primary Teachers Training College, Ghoghardiha, Madhubani which is a Government Institution, on 15.7.2017. The petitioners are said to have been relieved from their school for the purposes of joining the said training course, whereafter, they had joined training course at the Elementary Teachers Training College, Ghoghardiha, Madhubani and had completed their training course of two years on 31.01.2019 and then, they were relieved from the training college vide letter dated



31.1.2019.

3. It is the further case of the petitioners that the last date for submission of fee and form, for D.EL.Ed. Examination-2019 was from 2.2.2019 to 7.2.2019, which was to be submitted with the Principal of the Training College. The examination of the D.EL.Ed. Course was to be held from 5.3.2019, hence, the petitioners had approached the Principal of the College for grant of admit-cards, however, they were not issued the admit cards on the pretext of some online failure. In such view of the matter, the petitioners, having left with no option, have approached this Court for needful directions.

4. A counter affidavit has been filed on behalf of the Bihar School Examination Board wherein it has been stated that the College in question i.e. the Primary Teachers Training College, Ghoghardiha, Madhubani has been accorded recognition by the Eastern Regional Committee of the NCTE in terms of Regulation 2014 for conducting the Diploma in Elementary Education (D.El. Ed.) programme of two years duration with an intake of three basic unit (150 students) for the session 2017-19 and accordingly, the Bihar School Examination Board (hereinafter referred to as the Board) had granted affiliation to the said college in terms of the Bihar School Examination Board



(Issuance of no-objection certificate, affiliation norms and procedure) Regulation 2016 for the academic session 2017-19. It is further submitted that for the purposes of holding the D.El.Ed. Examination-2019, the detailed procedure had been uploaded on the website and the respective institutions had also been communicated about the same, whereafter the Principals of the Colleges / Institutions were provided with the unique 'User ID and 'Password' for submitting the fee and forms of the students.

5. The learned counsel for the Board has further submitted that from perusal of the data available at the level of the Board, it is evident that the Principal of the College in question i.e. the Primary Teachers Training College, Ghoghardiha, Madhubani has already uploaded the fee and forms of the permitted number of students i.e. 150 students, in terms of the recognition granted by the NCTE and the affiliation granted by the Board, hence, the Board is not responsible for the fee and forms of the petitioners being not uploaded by the Principal of the College in question.

6. The learned counsel appearing for the Respondent No. 5 i.e. the Primary Teachers Training College, Ghoghardiha, Madhubani has referred to the counter affidavit filed on behalf of the respondent No. 5 and has submitted that though it is



admitted that the petitioners were enrolled in the Teachers Training College, Ghoghardiha, Madhubani for the Session 2017-19 for pursuing the D.El.Ed. Course and were also allotted roll numbers, however, the petitioner no. 1 failed to turn up to fill up his application form even till the last date (with late fine) for appearing in the D.El.Ed. Examination-2019, hence, his application form could not be filled up, thus, the admit card could not be issued as a consequence thereof. As far as the petitioner no. 2 is concerned, his admit card could not be generated on account of technical reasons, however, upon further inquiry, it has transpired that on account of some irregularity in filling up the online application form, application form of one candidate, namely, Chandeshwar Prasad was filled up twice bearing roll no. 244 and 245, hence, the petitioner no. 2 was not issued admit card since his name could not find place within the permissible intake capacity of 150 students of the said College. It has also been stated in the counter affidavit filed by the Respondent No. 5 that one Arvind Kumar Yadav, whose name was not there in the enrollment register has been allowed to fill up the application for the D.El.Ed. Examination-2019 in place of petitioner no. 1, who could not be allowed to appear in the said exam.



7. Having regard to the facts and circumstances of the case, as also considering the stand taken by the Respondents-Board, as also the Respondent No. 5 i.e. the Principal, Primary Teachers Training College, Ghoghardiha Madhubani, this Court is of the considered view that as far as the petitioner no. 1 is concerned, since he had failed to turn up to fill up his application form even till the last date (with late fine) for appearing in the D.EL.Ed Examination-2019, no case is made out for grant of any relief to the petitioner no. 1, hence, the present writ petition qua the petitioner no. 1 stands dismissed.

8. As far as the petitioner no. 2 is concerned, the Respondent No. 5 has admitted that on account of technical reasons and irregularity in filling up the online application form, the admit card of the petitioner no. 2 could not be issued. Thus, this Court finds that the petitioner no. 2 is entitled to the relief, as prayed for, since he cannot be penalised for the fault and laches of the respondents, hence, the writ petition qua the petitioner no. 2 stands allowed and the Respondents-Board is directed to take steps for holding special examination for the petitioner no. 2, pertaining to the D.EL.Ed two years teachers training course and publish the result thereafter without any delay. It is further directed that till the said special examination qua the petitioner



no. 2 is held and his result is declared, the petitioner shall not be disturbed from the post on which he is working.

9. The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	7.5.2019
Uploading Date	17.10.2019
Transmission Date	NA

