

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20278 of 2019

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Randhir Kumar Singh, S/o Thakur Digvijay Singh, Resident of Sardiha, Purab Tola, Ward No.07, Sardiha, P.S. Simri Bakhtiarapur, Dist- Saharsa, Bihar.

... .. Petitioner/s

Versus

1. State of Bihar through District Education Officer, Saharsa.
2. Principal Secretary, Dept. of Education, Govt. of Bihar, Patna.
3. The Secretary, National Institute of Open Schooling, A-24-28, Institutional Area, Sector 62, NOIDA- 201309.
4. Assistant Director (Admin), Room No.107, National Institute of Open Schooling Headquarter, A-24-25, Sector-62, NOIDA.
5. Regional Director, National Institute of Open Schooling Regional Centre, Lalit Bhawan, Ground Floor, Bailey Road, Patna-1.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s	:	Mr. Arvind Kumar, AC to GP-23
For Res. No. 3 to 5	:	Mr. Rajesh Kumar Verma, ASG

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-10-2019 Heard learned counsel for the petitioner and the respondents.

The petitioner has approached this Court for a direction to the respondents to publish the result of D.El.Ed examination held in March 2019.

Learned counsel for the petitioner submits that the petitioner has appeared D.El.Ed. Examination and has cleared the same, but the respondents are not issuing the final mark-sheet and the certificate.

Mr. Rajesh Kumar Verma, learned counsel for the



respondents submits that the petitioner was not eligible to appear at the examination, as at the time of submission of form, the petitioner was only matriculate, whereas the requirement is passing +2 examination with 50% marks.

Learned counsel for the petitioner clarifies that before passing the D.El.Ed. Examination, the petitioner has already cleared +2 examination and as such on the date of publication of result of D.El.Ed., the petitioner was duly eligible, as he has already obtained 50% marks in +2 examination.

The issue as to eligibility under the requirement of regulation and allowing candidates with open eye by the University in teeth of University Regulation was considered by the Apex Court in the case of **Shri Krishna vs The Kurukshetra University**, reported in AIR 1976 SC 376.

Since the respondents with open eye allowed the petitioner to appear in the D.El.Ed. Examination and on the date of final publication of result of D.El.Ed. Examination, the petitioner has cleared +2 examination with 50% marks and, therefore, the not publication of result of D.El.Ed. Examination of the petitioner holding that the petitioner has not possessed the requisite qualification is erroneous.

Under the aforesaid circumstance, relying upon the



judgment of the Apex Court in the case of **Shri Krishna vs The Kurukshetra University** (supra), the Court is constrained to allow the writ application. The respondents are directed to publish the result of the petitioner of D.El.Ed. Examination and issue certificates at the earliest preferably within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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