

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15024 of 2018

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Saifur Rahman S/o Late Motiur Rahman, resident of Mohalla- Bauli, P.S.-
Phulwarisharif, District- Patna.

... .. Petitioner

Versus

1. The Ministry Of Human Resources And Devleopment Through National Institute Of Open Schooling N I O having its headquarter at A- 24/25, Institutional Area, Sector-62 NOIDA, District- Gautam Budh Nagar, Uttar Pradesh.
2. The Chairman, National Council of Teachers Education having its headquarter at Hans Bhawan, Wing- I
3. The State of Bihar through Principal Secretary, Human Resources Department, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Samrendra Kumar Jha, Advocate
For the Respondent/s	:	Mr.Ashutosh Ranjan Pandey- Aag15
For NCTC	:	Mr. Sunil Kr. Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 30.07.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief:

“(i) For issuance of appropriate writ/writs,
direction/direction, order/orders for commanding
and compelling the respondent authorities to
appoint a commission or other bodies for making
an inquiry/investigation for the eligibility and



suitability of the untrained in service teacher candidates who are appearing in the Diploma in Elementary Examination which is going to be start from 31.05.2018 and the institution/school through which they are appearing in the examination conducted by NIOS under the norms of NCTE in the light of Right to Education Act, 2009.

(ii) For issuance of appropriate writ/writs, direction/directions, order/orders to the respondent authorities that after receiving the inquiry/investigation report from the said commission, then provide training to the eligible candidate as well as authorized institution through which untrained teacher has appeared in the Examination of DL.Ed held on 31.05.2018 and till date publication of result may be stayed.

(iii) For any other relief/reliefs to which the petitioner is legally entitled under the fact and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in



accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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