

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17598 of 2019

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Mina Kumari @ Mina Devi daughter of Ganesh Ram, Wife of Bhagrasan Manjhi, resident of Village and P.O. Rasulpur, (Tilauta), P.S.- Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar. Bihar.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
4. The Principal Secretary, Department of Human Resource, Govt. of Bihar, Patna.
5. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms.Anju Mishra
	:	Mr.Deepak Kumar
For the Respondent/s	:	Mrs. Shilpa Singh (GA 12)
	:	Mr.Satyam Shivam Sundaram

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

9 30-07-2021 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

The petitioner claims to be a matric trained person, who had completed two year education training course for the Session 1989-91, from Zakir Hussain Primary Teacher Training College, Sultanpur. Examination of the said course, apparently because of certain disputes in relation to recognition of the institution, could not be held. The examination was held in 2007 under an interim order of this Court and the result was published



in February, 2008 pursuant to an order passed by the Supreme Court.

Present writ application has been filed seeking a direction to the respondents to allow the petitioner relaxation apropos cut off date of educational qualification for the purpose of appointment as Teacher under Bihar Special Primary Teacher Appointment Rules, 2010. Rule 4 of the said Rules prescribes 23.01.2006 as the cut-off date before which a candidate must have obtained the educational qualification, to become eligible for the post under the said Rules.

The Staff Selection Commission came out with an advertisement issued in 2010 inviting applications from eligible candidates specifically mentioning therein that the same was confined to the candidates, who had obtained matric-trained qualification up to 23.01.2006. Clause 5(2) of the advertisement clearly prescribed passing of trained examination before 23.01.2006 to be one of the eligibility criteria.

Ms. Anju Mishra, learned counsel appearing on behalf of the petitioner has strenuously submitted that petitioner cannot be blamed for the delay caused by the Bihar School Examination Board in holding Matriculation Training Examination. She has submitted that result of the petitioner and



other similarly situated students pursuing their course in Zakir Hussain Primary Teacher Training College, Sultanpur was published only after intervention of the Supreme Court in February, 2008. She contends that the petitioner cannot be allowed to suffer because of the fault on the part of the Board in holding the examination belatedly. She has drawn my attention to the Supreme Court's decision dated 16.03.2010 rendered in Civil Appeal Nos. 8239-8240 of 2009 and a Division Bench decision of this Court dated 23.06.2008 in L.P.A. No. 99 of 2007 (*Zakir Hussain Primary Teachers Education College & Anr. v. The State of Bihar and Ors.*) and other analogous cases to submit that it was only under the orders of this Court that the result of the petitioner was published in 2008. She contends that the petitioner's pursued her course in 1989 and had the examination been held and the result been published within a reasonable period of time, the petitioner would have been eligible to participate in the process of selection. She has contended that exercising equitable writ jurisdiction, this Court may direct the respondents to consider desired relaxation, to the petitioner for the selection process in question.

There are two reasons why I am not convinced with the submissions advance on behalf of the petitioner. Firstly, the



advertisement is in consonance with the Rules. There is no dispute that the Rules are statutory in nature. The Rules specifically prescribe that a candidate must have obtained the teachers training qualification before 23.01.2006. Deviating from the statutory prescription, this Court cannot issue a direction, permitting the petitioner to participate in the process of selection. Secondly, the advertisement was issued in the year 2010. This writ application has been filed in the year 2019. There is no justifiable explanation available in the pleadings on record for such belated filing of the writ application.

For the reasons aforesaid, I do not find any merit in this application.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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