

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3757 of 2023

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Mabiya Khatoon D/o Shamsul Haque, Resident of Banaili, Sadhubaili, P.S.-
Kasba, Dist- Purnea 854304

... .. **Petitioner**

Versus

1. The State of Bihar through Principal Secretary Department of Education Bihar, Patna.
2. The Principal Secretary, Department of Education Bihar, Patna.
3. The Director (Primary), Department of Education Bihar, Patna.
4. The Secretary Bihar School Examination Board, Bihar, Patna.
5. The Examination Controller (Vividh), Bihar School Examination Board, Bihar, Patna.
6. The Principal District Institute of Education and Training (DIET), Sheikhpura (Code No- 24802).
7. The Principal, District Institute of Education and Training (DIET), Shree Nagar, Purnea (Code No.- 11801).
8. The Incharge Principal, District Institute of Education and Training (DIET), Shree Nagar, Purnea (Code No- 11801).

... .. **Respondents**

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Appearance :

For the Petitioner/s	:	Mr.Reyaj, Advocate
For the State	:	Mr.Sanjay Kumar, AC to GP-23
For the resp.Board	:	Ms. Namrata Mishra, Advocate
		Ms.Archana Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-09-2023 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Bihar School

Examination Board.

2. Petitioner, in the present case, has prayed for the

following reliefs:-

“(a) To direct the respondents to produce the order
cancellation of admission, if any, and to quash the same
and to direct respondents to continue the admission of the
petitioner in the District Institute of Education and Training
(DIET) Sheikhpura (Code – 24801) Pursuant to Selection



and admission date 22/11/2022 in the light of advertisement No.-P.R. 249/2022.

(b) To direct the respondent that in the event of any technical difficulty the Incharge Principal, District Institute of Education and Training (DIET), Shree Nagar, Purnia (Code No.- 11801) be directed to take the admission of the petitioner in D.El.Ed. Session – 2022-2024 in the light of instruction and guideline issued by the Bihar School Examination Board Bihar Patna vide letter no.-032 date 23/01/2023 for which the institute have reserved the vacant seat.

(c) To grant any other relief-reliefs for which the petitioner is entitle under the facts and circumstances stated in the present case.”

3. From the stand of the parties, it appears that the petitioner having successfully qualified in the D.El.Ed. Entrance Joint Test 2022 was allotted a seat in the District Institute of Education and Training (in short the ‘DIET’), Sheikhpura, Bihar and on 25.10.2023 the petitioner had taken admission in the said Institute.

4. Although the petitioner claims that thereafter her admission was cancelled but the relevant fact to appreciate this aspect of the matter has been mentioned in the counter affidavit wherein it has been informed that the petitioner had herself slide up her admission to take admission in another institution from her login ID and the DIET, Sheikhpura has no role in cancellation of admission of the petitioner. It is an automatic system generated action done by the petitioner from her student login ID.

5. Learned counsel for the Board has informed that



since the petitioner has chosen the Institute namely, the District Institute of Education and Training (DIET), Shree Nagar, Purnea, on receipt of a communication from the said Institution seeking certain clarification, the Board has already communicated to the Institution at Purnea that if any seat is vacant the petitioner may be admitted in the said Institute. In this regard, the communication contained in Annexure '8' to the writ application has been placed before this Court.

6. Having regard to the aforementioned facts and the pleadings available on the record, this Court directs the Principal/Incharge Principal of the DIET, Shree Nagar, Purnea to consider the name of the petitioner for admission, if any seat in the general category has remained vacant and act in accordance with the directions and opinion of the Board as contained in Annexure '8' to the writ application.

7. Let the direction be carried out at the earliest and preferably within a period of four weeks from today.

8. This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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