

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5860 of 2019

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Md. Afsar Hussain Son of Hussain Noor Resident of Village Koshkipur, P.S. Baingachhi, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Director, Primary Education, Bihar, Patna.
4. District Education Officer, Sitamarhi.
5. Block Development Officer, Sonbarsa, District- Sitamarhi.
6. Block Education Extension Officer, Sonbarsa, District- Sitamarhi.
7. Dr. Ambedkar Hindi Sanskrit Vidyapith, Bihar Cum Education and Training Institute, Jokia, Baghi , P.O. Sohild Nagar , District Begusarai through its Secretary.
8. Secretary, Dr. Ambedkar Hindi Sanskrit Vidyapith, Bihar Cum Education and Training Institute, Jokia , Baghi, P.O. Sohild Nagar, District- Begusarai.
9. The Bihar School Examination Board through its Secretary, Sinha Library Road, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8589 of 2019

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1. Priyanka Kumari Daughter of Manejar Yadav, Wife of Pranesh Kumar Ranjan Resident of Village- Belouri, Police Station- Muffasil Ranipatra Sadar, District- Purnea.
 2. Sharad Kumar Son of Akhilesh Kumar Resident of Village- Amari, Police Station- Dhamdaha, District- Purnea.
 3. Renu Kumari Daughter of Sri Sahdev Yadav Resident of Village- Bhatsara, Police Station- B. Kothi, District- Purnea.
 4. Juhi Anand Daughter of Ramesh Prasad Mehta Resident of Village- Mehtatola Madhubani, Police Station- K. Hat, District- Purnea.
 5. Soni Kamari Daughter of Yogendra Prasad Mehta Resident of Village- Mehtatola Madhubani, Police Station- K. Hat, District- Purnea.
 6. Kumar Vikram Son of Madheshwar Yadav Resident of Village- Prof. Colony Rambagh, Police Station- Sadar, District- Purnea.
 7. Soni Bharti Daughter of Hareram Yadav Resident of Village- Bathnaha, Police Station- Jankinagar, District- Purnea.
 8. Supriya Bharti Daughter of Rajiv Prasad Singh Resident of Village- Tatma



Toli, Police Station- K. Hat, District- Purnea.

9. Md. Kausar Alam Son of Md. Tabarak Hussain Resident of Village- Tirhut Bhatta, Police Station- Araria, District- Araria.
10. Md. Sayid Son of Abdul Haque Resident of Village- Khoragachh, Police Station- Sikti, District- Araria.
11. Md. Farhan Danish Son of Md. Zahiruddin Resident of Village- Chakai, Police Station- Joki Hat, District- Araria.
12. Md. Khurshid Alam Son of Mansoor Alam Resident of Village- Tirhut Bhatta Police Station- Araria, District- Araria.
13. Amit Kumar Son of Dharendra Prasad Yadav Resident of Village- Chausa Bazar, Police Station- Chausa, District- Madhepura.
14. Intakhab Alam Son of Late Hazi Rais Resident of Village- Lawalagan, Police Station- Chausa, District- Madhepura.
15. Sagar Bhagat Son of Late Pramod Bhagat Resident of Village- R.K. Lane, Police Station- Adampur, District- Bhagalpur.
16. Kumari Punam Lata Daughter of Jageshwar Mandal Resident of Village- Madhuban, Police Station- Turkahi, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Director, Primary Education, Bihar, Patna.
4. Bihar School Examination Board through the Secretary, Fresher Road, Patna.
5. The Secretary, Bihar School Examination Board, Fresher Road, Patna.
6. Dr. Ambedkar Hindi Sanskrit Vidyapith, Bihar cum Education and Training Institute, Jokia, Baghi, P.O. Sohild Nagar, District Begusarai through its Secretary.
7. Secretary, Dr. Ambedkar Hindi Sanskrit Vidyapith, Bihar cum Education and Training Institute, Jokia, Baghi, P.O. Sohild Nagar, District- Begusarai.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 5860 of 2019)

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the State : Mr.Sanjay Kumar, AC to GP-23
For the B.S.E.B. : Mr. Ajay, Advocate

(In Civil Writ Jurisdiction Case No. 8589 of 2019)

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the State : Mr.Prabhakar Jha, GP-27
Mr. Harimohan Mishra, AC to GP-27
For the B.S.E.B. : Mr. Ajay, Advocate



CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 05-09-2023 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Bihar School Examination Board (hereinafter referred to as the 'Board').

2. On the request of learned counsel for the parties, both the writ applications have been taken up together for consideration.

3. Petitioners in these two writ applications are seeking a direction to the respondent authorities to hold/conduct special examination of the petitioners for Diploma in Education (D.L.Ed.) and thereafter to publish their result as well as to take action against respondent- Dr. Ambedkar Hindi Sanskrit Vidyapith, Bihar cum Education & Training Institute, Jokia, Bagh, P.O.- Sohild Nagar, District-Begusarai.

4. It is the case of the petitioners that they had enrolled themselves in the training institute namely Dr. Ambedkar Hindi Sanskrit Vidyapith, Bihar cum Education & Training Institute, Jokia, Bagh, P.O.- Sohild Nagar, District-Begusarai in the D.L.Ed. Course during the academic session 2015-17. So far as the petitioner in CWJC No.5860 of 2019 is concerned, he submits that he was appointed as Block Teacher by the Block Teachers Employment Unit, Sonbarsa.



5. The petitioners claim that they had taken admission in the institute to pursue their D.L.Ed. Course, the petitioners were not allowed to take their final examination and when they were not allowed to fill up the form, on queries made by them it came to their notice that the authorities of the training institute had duped them. It is alleged that the institute allowed some other students to take the examination in place of the petitioners.

6. Initially, an impression was given to this Court that the petitioners were registered with the Board after their admission in the training institute but later on the registration was allowed to be changed. Taking note of this, this Court called upon the Board to appear and file a counter affidavit.

7. The Board has taken a stand that the institute is a non-government institution whose affiliation from the academic session 2022-23 had been cancelled. The said institution had recognition from E.R.C., N.C.T.E. with intake capacity of 50 students in the academic session 2015-17 in the D.L.Ed. Course. The examination form against the sanctioned intake strength of 50 seats had been submitted by the said institution through online using its User ID and Password and from the academic session 2018-2020, new course of D.L.Ed. (face to face) had begun.



Consideration

8. From the narration of facts emerging from the pleadings on the record, it appears that the institute in question never submitted the examination form of the petitioners with the Board and they were not shown among the 50 students who were allowed to participate in the examination conducted by the Board. The petitioners have themselves submitted that they have been duped and the institution has played fraud upon them but surprisingly the petitioners have not lodge any FIR against the said institute till date.

9. In the given circumstance, this Court cannot direct the Board to conduct a special examination for the petitioners because as on date they are not even admitted in any institute.

10. In the circumstances, both the writ applications are dismissed but with liberty to the petitioners to take appropriate legal action, if so advised, against the concerned institution, the Director and other responsible persons. This should, however, be not taken as any opinion of this Court on the merit of the allegations made by the petitioners.

11. At this stage, learned counsel for the petitioners submits that the petitioners may be allowed to take admission afresh in any institution to complete the D.L.Ed. Course.

12. This Court is not required to give it's observation



on such submission of learned counsel for the petitioners as it is always open for anybody to pursue his studies if he is otherwise eligible to take admission in a particular course. To that extent, no observation need be passed.

(Rajeev Ranjan Prasad, J)

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