

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16676 of 2022

1. Magadh Teachers Training College Association through its President Abhay Kumar, At Present Office- Choube Villa, Near Karlo Automobile, Dumuhan, P.S.- Bodh Gaya, District- Gaya.
2. Abhay Kumar Son of Late Bhagwat Prasad Singh, Magadh Teachers Training College Association, Gaya, Resident of New Area Beldari Tola, P.S.- Civil Line, District- Gaya.

... .. Petitioner/s

Versus

1. The Bihar School Examination Board, Patna through its Secretary.
2. The Chairman of the Bihar School Examination Board, Patna.
3. The Secretary of the Bihar School Examination Board, Patna.
4. The Examination Controller (Miscellaneous) of Bihar School Examination Board, Patna.
5. The Director (Education) of Bihar School Examination Board, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11530 of 2022

Vidyanand Singh Son of Mushafir Singh, Resident of Village- Sarbahda, P.S. - Khizarsarai, District - Gaya.

... .. Petitioner/s

Versus

1. The Chairman Bihar School Examination Board Patna.
2. The Bihar School Examination Board through its Secretary.
3. The Secretary, Bihar School Examination Board, Patna.
4. The Examination Controller, Bihar School Examination Board, Patna.
5. The Principal Teacher's Training College, Industrial Area, Bodh Gaya, Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11595 of 2022

Ramanuj Prasad Son of Chandeshwar Prasad Resident of Village- Gonardih, P.S.- Khizarsarai, District- Gaya.

... .. Petitioner/s

Versus

1. The Chairman Bihar School Examination Board, Patna.
2. The Bihar School Examination Board through its Secretary.



- 3. The Secretary, Bihar School Examination Board, Patna.
- 4. The Examination Controller, Bihar School Examination Board, Patna.
- 5. The Principal Teacher's Training College, Industrial Area, Bodh Gaya, Gaya.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 13984 of 2022

Monika Kumari Daughter of Rajendra Prasad Yadav Resident of Village-
Bhareti, P.S.- Wazirganj, District- Gaya (Bihar).

... .. Petitioner/s

Versus

- 1. The Bihar School Examination Board Patna through its Secretary.
- 2. The Chairman of the Bihar School Examination Board, Patna, Patna.
- 3. The Secretary of the Bihar School Examination Board Patna.
- 4. The Examination Controller (Vividh), Bihar School Examination Board, Patna.
- 5. The Director (Education) of Bihar School Examination Board, Patna.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 1252 of 2023

- 1. Radhika Ranjan Prasad S/o Raj Kishore Prasad, R/v-Ketru, P.O.-Nawada, P.S.-Gidhaur, Dist.-Jamui.
- 2. Indradev Paswan, s/o-Raghunandan Paswan, R/v-chanco, P.O.-Nariyana, P.S. Chanco, Dist.-Jamui.

... .. Petitioner/s

Versus

- 1. The State of Bihar through the Chief Secretary.
- 2. The Additional Chief Secretary Education Department, Government of Bihar, Patna.
- 3. The Director Primary Education, Government of Bihar, Patna.
- 4. The District Magistrate, Jamui.
- 5. The District Education Officer, Jamui.
- 6. The District Programme Officer (establishment), Jamui.
- 7. The Block education Officer, Giddhaur.
- 8. The Secretary Bihar School Examination Board, Patna.

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 16676 of 2022)

For the Petitioner/s : Mr. Sourendra Pandey, Advocate

For the Respondent/s : Mr. Manish Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 11530 of 2022)

For the Petitioner/s : Mr.Md. Shakir Ahmad, Advocate

For the Respondent/s : Mr.Amarendra Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 11595 of 2022)

For the Petitioner/s : Mr.Md. Shakir Ahmad, Advocate

For the Respondent/s : Mr.Sunil Kumar Mandal, Advocate

(In Civil Writ Jurisdiction Case No. 13984 of 2022)

For the Petitioner/s : Mr.Sourendra Pandey, Advocate

For the Respondent/s : Mr.Ajay Behari Sinha, Sr. Advocate

Ms.Seema Ghazala, Advocate

(In Civil Writ Jurisdiction Case No. 1252 of 2023)

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate

For the Respondent/s : Ms.Namrata Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 11-09-2023 Heard Mr. Sourendra Pandey, learned counsel for the petitioners in CWJC No. 16676 of 2022 and in CWJC No. 13984 of 2022, Mr. Md. Shakir Ahmad, learned counsel for the petitioner in CWJC No. 11530 of 2022 and in CWJC No. 11595 of 2022, Mr. Rajesh Kumar Sinha, learned counsel for the petitioners in CWJC No. 1252 of 2023 and Mr. Manish Kumar, learned counsel for the Bihar School Examination Board (hereinafter referred to as the 'Board') in CWJC No. 16676 of 2022, Mr. Ajay Behari Sinha, learned Senior Counsel assisted by Ms. Seema Ghazala, learned Advocate for the Board in CWJC No. 13984 of 2022, Mr. Amarendra Kumar, learned counsel for the Board in CWJC No. 11530 of 2022, Mr. Sunil Kumar Mandal, learned counsel for the Board in CWJC No. 11595 of 2022 and Ms. Namrata Mishra, learned counsel for the



Board in CWJC No. 1252 of 2023.

2. Learned counsel for the parties are unanimous in their approach that all these cases would be covered by the order dated 29.08.2023 passed by this Court in CWJC No. 13205 of 2022 and CWJC No. 12217 of 2022. In fact, it has been submitted that all these writ applications may be disposed of in similar terms.

3. In CWJC No. 1252 of 2023, learned counsel for the petitioners has made a further prayer to direct the respondent-District Program Officer, Establishment, Jamui not to disturb the petitioners as they have already made attempt in the examination and are now by virtue of the upcoming examination they would be able to appear and make it a pass for the only subject in which they had failed earlier. It is stated that these petitioners in CWJC No. 1252 of 2023 are presently working as Panchayat Teacher.

4. Having regard to the submissions noted hereinabove, this Court is disposing of all these writ applications in terms of the order dated 29.08.2023 passed in CWJC No. 13205 of 2022 and CWJC No. 12217 of 2022. In the said order, this Court has taken note of the stand of the Respondent Nos. 3 to 5 in Paragraphs '5' to '8' of their



supplementary counter affidavit. Those are being reproduced hereunder for a ready reference:-

“5. That it is submitted that the connected writ petition had been filed by the petitioners, seeking direction upon the Board for conducting supplementary examination for D.El.Ed. Course, for the academic session 2016-2018 and 2017-19 and for other allied reliefs. And it had been in the said factual backdrop that this Hon’ble court by the order dated 27.07.2023 had been pleased to direct the competent authorities of the Board and the Director Secondary Education, to take decision on point of holding supplementary examination.

6. That it had been compliance to the aforesaid order dated- 27.07.2023, that a meeting for the said purpose had also been convened on 17.08.2023. However as during course of said meeting, the Director Secondary Education Bihar Patna had been of view that as the issue involved was relatable to Director SCERT, hence vide memo no. 614 dated 17.08.2023 had suggested the Board had suggested for approaching the Director SCERT Education Department in the matter.

7. That it is submitted that Director SCERT, Education Department upon being approached on the said issue, has vide letter no.- 12/५०-15/2022-441, dated-18.08.2023, consented for holding of D.El.Ed Examination for its old course, provided it is agreeable to the Board.

8. That in the said situation it is most humbly submitted that in view of the said, consent from the Director SCERT, Education Department that for conducting of examination for the



failed/absented candidates of D.El.Ed. Special examination 2020 (old course) that accordingly steps for holding of the said supplementary examination is to be undertaken and finalized, which is genuinely expected to consume a reasonable time.”

5. Since these petitioners are said to be identically covered, they would also get similar benefit of participating in the upcoming examination.

6. As regards the petitioners in CWJC No. 1252 of 2023, this Court directs that in the given circumstance, those petitioners be allowed to take their special examination and await their result. In the meantime, they shall not be disturbed.

7. All these writ applications stand disposed of.

(Rajeev Ranjan Prasad, J)

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