

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10218 of 2023

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Shobha Kumari W/o Shyam Sundar Prasad, Resident of Village Patna, Post
Mion, Madhopur, Kaimur (Bhabua), Bihar-821101.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Ministry of Human Resources Department, Government of India, New Delhi.
3. The Union of India through its Secretary, Ministry of Human Resources Department, Government of India, New Delhi.
4. The Chairman, National Institute of Open Schooling, A 24-25, Institutional Area, Sector 62, NOIDA, Gautam Buddha Nagar, Uttar Pradesh -201309.
5. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
6. The Director, Primary Education Department, Government of Bihar, Patna.
7. The Regional Director, National Institute of Open Schooling (in short NIOS), Patna, Lalit Bhawan, Ground Floor, Baily Road (Jawahar Nehru Marg), Pin-800001.
8. The District Education Officer, Kaimur.
9. The District Programs Officer (Establishment), Kaimur.
10. The Block Education Officer, Rampur, Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Rai, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha (Gp 27)
For the UOI & NIOS	:	Mr. Radhika Raman, Sr. Panel Adv
		Mr. R. T. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-12-2024 Heard learned counsel for the parties.

2. Petitioner has filed the present writ petition for the
following relief(s) :

“i) To direct the respondent authorities that the
order vide Memo No. 978 dated 13.11.2020 issued by the



Director, Primary Education, Education department, Government of Bihar, be not enforced/ not be made application in the case of the instant petitioners as the petitioners has already successfully passed the petitioner 1st, 2nd and 3rd D.El.Ed, examination however, he was unable to pass petitioner 4th Semester Examination And thereafter the respondent authorities have not held the aforesaid examination till date. Thus the respondent be directed that the petitioner be not placed in the disadvantage position by giving effect of the order vide Memo No.978 dated 13.11.2020, against her and further the petitioner may no be disturbed from discharging the duties.

(ii) To set aside Memo No. 597 dated 17.03.2023 issued from the office District Education Officer, Kaimur as the petitioner as been dismissed from her service without providing further opportunity to complete her 4th Semester Examination of D.El.Ed.

(iii) To direct the respondents no.2 the secretary, Bihar School Examination Board, patna.6. (the Director, State Council of Education Research and Training (SCERT) Patna to conduct urgently the



petitioner 4th semester Examination of the D.El.Ed as the same has not been conducted since last two years, so that the petitioner may take part and clear the 4th semester examination of D.El.Ed.

(iv) To direct the Respondent Authority to release the salary of the petitioner which has been withheld since 2019 as the petitioner has not cleared her D.El.Ed Examination.”

3. Leaned counsel for the petitioner submits that during pendency of this case, the petitioner has been terminated from service vide memo no. 08 dated 06.04.2023 (Annexure-2/1).

4. In the aforesaid facts and circumstances of this case, this writ petition is disposed of with a direction to the petitioner to move before the appropriate authority, in accordance with law against the order of termination vide memo no. 8 dated 06.04.2023.

(Prabhat Kumar Singh, J)

Prakash/-

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