

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15835 of 2023

Bindu Kumari W/o Sri Trilokee Pandit, resident of Gandhi Chowk Purani
Bazar Jhajha, P.O. and P.S.-Jhajha, Distt.-Jamui, Pin-811308.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Program Officer Establishment (Education), Jamui.
4. The Block Education Officer Jhajha, Jamui.
5. The Chairman, Bihar School Examination Board, Patna.
6. The Examination Controller (Miscellaneous), Bihar School Examination Board, Patna.
7. The Director, State Council of Education Research and Training (SCERT), Mahendru, Patna-800006.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Hemant Kumar Karan
For the Respondent/s	:	Mr.Subhash Chandra Mishra, SC-16
		Mr. Gyan Shankar, Adv.
		Mr. Lalit Kishore, Adv.
		Mr. Ankit Katriar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 13-02-2024

Heard learned counsels for the parties.

2. By filing the present writ application, the petitioner has
prayed for following reliefs:

(I) For a direction to respondent no.6, the Examination Controller (Miscellaneous), Bihar School Examination Board, Patna to issue 4th semester/final marksheet of the petitioner of Session 2013-15 in Diploma in Elementary Education (Open Distance Learning) course.

(II). For a direction to respondent no.2, the Director, Primary Education Bihar, Patna not to pass any further adverse orders against the petitioner till finalization of this writ petition.



(III) To grant any other incidental, consequential or other reliefs to which the petitioner is found entitled and grant further other reliefs to the petitioner as entitled in the eyes of law.

3. It is submitted by learned counsel for the petitioner that she was appointed on the post of Panchayat Teacher (Untrained) in 2nd phase of Panchayat Teacher Appointment process under 2008 Rules and was posted at N.P.S. Fatehpur Yadav Tola in Borwa Panchayat, Block-Jhajha, Jamui. She is working on the said post till date. It is further submitted that as per the policy of the government, all the untrained teachers have to get qualification of trained teacher and for the training, she took admission in Session 2013-15 in D.El.Ed (ODL) course conducted by the Department in which her Roll Code was 3010 and Roll No. 14163010002 was mentioned. The study center was DIET, Lakhisarai. There were four semesters in the said course. The petitioner appeared in all the four semester and passed the examination. In the marksheet of 1st, 2nd and 3rd semester, nothing was wrong, but in 4th semester/final marksheet, Registration No., Candidate name and her Father's name are wrongly mentioned.

4. It is further submitted that the petitioner tried her best to get her marksheet corrected, but nothing happened. Thereafter, on 11.07.2019, she made an application to respondent No.7, the Director, State Council of Education Research and Training,



Mahendru, Patna narrating therein that due to the aforesaid error in her marksheet, final marksheet of D.El.Ed (ODL) was not issued to her. Despite several representations and letters, corrected marksheet of the petitioner was not issued to her.

5. It is further submitted that vide letter dated 07.02.2023 issued by the Block Education Officer, Jhajha issued in the light of order passed in CWJC No. 16214 of 2019, the salary of the petitioner has been stopped and further her service may be terminated anytime despite being successfully completed the D.El.ED (ODL) course. It is further submitted that vide Advertisement No. P.R.-34/2024 advertised on 26.01.2024 in the daily newspapers by the Examination Controller (Misc.), Bihar School Examination Board, Patna, applications have been invited between 01.02.2024 to 15.02.2024 for appearing in Sakshamta Examination to be held in the light of Bihar Vidyalaya Vishisht Shikshak Niyamawali, 2023, but without any fault, the petitioner once again be deprived of the opportunity to clear the Sakshamta Examination.

6. Learned counsel for the Bihar School Examination Board prays for two weeks' time to file a detailed counter-affidavit in the present case and further submits that another chance shall be given to the petitioner for filling up the form for Sakshamta Examination to be held under the new Rules and Regulations of Bihar School



Examination Board so that she can appear in the said examination.

7. Having heard rival submissions of the parties, in my considered opinion, no useful purpose would be served in keeping this writ petition pending. In view of the matter, the petitioner is directed to file a fresh representation before the Bihar School Examination Board to verify her claim and if it is found that there is any mistake in her marksheet, in that situation, necessary correction shall be made within a period of one week from the date of receipt/production of a copy of this order and a fresh marksheet shall be issued to the petitioner immediately thereafter within the aforesaid period.

8. It is made clear that the Chairman, Bihar School Examination Board, Patna shall be liable for non-compliance of this order.

9. With the aforesaid direction and observation, this writ application is disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

