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91-23
23.9.13

IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

C.W.J.C. NO. _____/2013

Anil Kumar and another Petitioners.

Versus

The State of Bihar and Ors. Respondents.

Sub :- Selection (School Service)

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		Vakalatnama.	

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SYNOPSIS

The present writ application is being filed for appropriate direction to the respondent Bihar Staff Selection Commission , Patna for correction the training Session which is wrongly mentioned in merit list which was prepared by the direction of Hon'ble Supreme Court of India and further Respondent be directed to appoint the petitioners after correction their training Session . Several persons have been appointed who have passed the training course alongwith petitioners.

LIST OF DOCUMENT

1. Training Certificate of petitioner No. 1 .
2. Training certificate of petitioner No.2
- 31.1.12 petitioners filed complaint before Bihar Staff Selection Commission, Patna.
- 18.07.13 Hon'ble Supreme Court held intents order dated 18.07.13 that Hon'ble High Court entertain the claim of 34540.

Hence this writ application.

IN THE HIGH COURT OF JUDICATURE AT PATNA
(CIVIL WRIT JURISDICTION)

C.W.J.C. NO. _____/2013

In the matter of an application
Under Article 226 of the
constitution of India.

And

In the matter of ;

1. Anil Kumar , Son of Saryug Prasad Yadav, Resident of
Village - Resna, P.S. - Murliganj, District – Madhepura.
2. Pramod Kumar , Son of Bindeshwari Prasad Yadav, Resident
of Village Arar, P.S. – Gwalpara, District – Madhepura.

.....Petitioner.

Versus

1. The State of Bihar, through the Principal Secretary,
Education Department, Government of Bihar, Patna.
2. The Director, Primary Education Government of Bihar,
Patna.
3. The Joint Secretary, Education Department Bihar, Patna.
4. The Secretary, Bihar staff Selection Commission, Bihar,
Patna.
5. The District Education Officer, Madhepura.

.....**Respondents.**

To,

The Hon'ble MS Justice Rekha M. Doshit, the Chief
Justice of the High Court of Judicature at Patna and her other
Companion Justices of the said Hon'ble Court.

The humble application on behalf
of the petitioners above named.

MOST RESPECTFULLY SHEWETH :-

1. That this is an applications on behalf of abovenamed petitioners for issuance of appropriate writ (s) / Order(s) / Direction(s) for appointment of petitioners as Assistant teacher in existing vacancy of 34540 which is duly approved by Hon'ble Supreme Court.

Further Respondent be directed to correct the session of Training Course which is wrongly been mentioned in merit list of petitioners as 1995-1997 in place of 1993-1995.

And or any other relief(s) as per the facts and circumstances of the case.

2. That the present writ application is inter-alia based on the ground that the action of Respondent not placed the petitioners in proper Session is clear case of non application of mind .The action of Respondent is violative of Article 14, 16 and 21 of constitution of India . The action of respondent is malafide, arbitrary, illegal , malicious and bad in law and also in facts.

3. That the petitioners are citizen of India and residing within the territorial Jurisdiction of this Hon'ble Court Hon'ble Court.
4. That it is stated here that petitioner No. 1 passed matriculation examination in year 1990 from Bihar School Examination Board , Patna and took admission for Baby Teacher Training Course in session 1993 -1995 from Gandhi Hindi Vidyapeet Allahabad .
5. That thereafter petitioner No. 1 appeared in examination and passed the said examination and marks sheet and certificate has been issued to petitioner No. 1 by the competent authority.

A copy of the marksheets and certificate of petitioner No. 1 is being annexed as annexure-1 to this application.

6. That petitioner No. 2 passed the matriculation examination in year 1991 and also did intermediate 1991-

1993 and thereafter he took admission in Baby Teacher training Course in session 1993-1995 in Gandhi Hindi Vidyapeeth Allahabad.

7. That the petitioner No. 2 appeared in examination and passed the same , thereafter marks sheet and certificate has been issued to petitioner No. 2 by the competent authority.

Copies of marks sheet and certificate are being annexed as Annexure -2 series to this application.

8. That it is stated here that several cases have been filed before the Hon'ble Supreme Court of India for appointment of trained teacher in state of Bihar. Thereafter , direction of Hon'ble Apex Court Mr. Justice S.K. Chattopaddaya retired Judge of Patna High Court made special officer for finalization of list of trained teachers.

9. That after doing the above said exercise a merit list of trained teacher prepared and published and petitioner No. 1 found place at serial No. 81722 in B.C. -II category.
10. That it is stated here that petitioner No. 1 belongs to B.C. -II and passed traing course in session 1993-1995 However his training Session has been wrongly mentioned as 1995-1997.
11. That it is stated here that petitioner No. 2 also found place in serial No. 81045 but his category Session has wrongly been mentioned as 1995-97 in place of 1993-1995 .
12. That after that petitioner No. 1 and 2 filed complaint before the staff selection Commission Bihar, Patna on 31.1.2012 but till date no action has been taken in this regard.

Copies of application dated 31.1.12
are being annexed as Annexure -3
to this application.

13. That it is stated here that the final merit list and District wise merit list published and appointment letter issued to selected applicant but neither the respondent staff selection Commission correct the Session of training of the petitioners.
14. That if the correction will be made in the merit panel of the petitioners, they will come under the consideration Zon for appointment against the vacancy of B.C. II category.
15. That the several persons who have got the training alongwith petitioner No. 1 and 2 have been appointed but the case of petitioners are still pending before the staff selection commission Bihar, Patna.
16. That the Hon'ble Apex Court had also passed an order entertain the claim of the aggrieved persons for existing vacancy out of 34540 in SL. PL (C) No. 26824 of 2012 vide it order dated 18.07.13 . Copy of the said order has

been published in journal 2013 (3) PLJR, 302. . Hence it is not necessary to attached in this writ application.

- 17 That the action of respondent is illegal, arbitrary, Malafide, malacious and bad in law and also in facts.
- 18 That the action of respondent is violative of Article 14,16 and 21 of Constitution of India and as well as Principles of Natural Justices.
19. That the petitioners have no other efficacious and alternative remedy except to move before this Hon'ble Court.
20. That the petitioners have not moved earlier before this Hon'ble Court.

It is therefore prayed that Your Lordships may graciously be pleased to issue Rule NISI calling upon the respondents as to why the prayer made in Paragraph No. 1 of this petition be not allowed to the

petitioner and on return of Rule hearing in parties the same be made absolute and pass order, orders as your Lordships may deem fit and proper.

And /Or

Pass such other order as Your Lordships may deem fit and proper.

And for that the petitioners shall ever pray.

AFFIDAVIT

I, Pramod Kumar ,aged about -36 years, Son of Bindeshwari Prasad Yadav, Resident of Village Arar, P.S. – Gwalpara, District – Madhepura, do hereby solemnly affirm and state as follows :-

1. That I am petitioner No.2 to this case and as such I am well acquainted with the facts and circumstances of the case.
2. That I have read the contents of this writ application and under stood the Same.
3. That the contents made in paragraph No3 to 18 are true to my knowledge and those made in paragraph no. .nil are true to my information derived from the sources as disclosed there in and rest are by way of submission in this Hon'ble Court.
4. That the annexure are Photo Copy of their Originals respectively.

प्रमोद कुमार

Home-1

क्रम संख्या 16, C.B.E.

अनुक्रमांक 16, 34



BABY TEACHER'S CERTIFICATE TRAINING EXAMINATION
 बी० टी० सी० प्रशिक्षण परीक्षा १९६५

प्रश्नपत्र तैयार किया जाता है कि

अनिल कुमार

आत्मज / आत्मजा श्री सरपुग प्रसाद यादव संस्थागत / आशिक / व्याक्तिगत
 अभ्यर्थी ने गाँधी हिन्दी विद्यापीठ, प्रयाग द्वारा संचालित बेबी टीचर्स सर्टिफिकेट
 प्रशिक्षण परीक्षा के लिए विद्यारित पाठ्यक्रम का सम्यक् अध्ययन विग्न विषयों
 में किया तथा च. प्रेमेश डिग्री कॉलेज, फगवाडा, (पंजाब)
 प्रशिक्षण केन्द्र से बेबी टीचर्स सर्टिफिकेट प्रशिक्षण परीक्षा सन् १९६५
 में प्रथम श्रेणी में उत्तीर्ण किया।

परीक्षा विषय

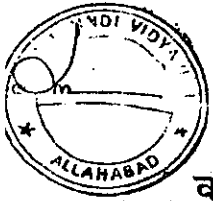
- | | | | |
|---------------------------------|------------------------|----------------------|-----------------------|
| (क) अनिवार्य विषय | (ख) मुख्य विषय | (ग) गौण विषय | (घ) ऐच्छिक विषय |
| १- शिक्षण विज्ञान | १- कला | १- शिल्प <u>कृषि</u> | १- शिक्षण अभ्यास |
| २- शिक्षण अभ्यास | २- शिल्प <u>हिन्दी</u> | | २- शिक्षण विधि इतिहास |
| ३- सामुदायिक तथा शारीरिक शिक्षा | | | |
| ४- गाँधी साहित्य | | | |

इनकी जन्म तिथि (शब्दों में) २-४-१९६४ (शब्दों में) जाठ अप्रैल सन् उन्नीस सौ पचहत्तर ई० है।

आज गाँधी जयन्ती दीक्षान्त समारोह के शुभ अवसर पर गाँधी हिन्दी विद्यापीठ,
 प्रयाग की ओर से आपको ससम्मान

बी० टी० सी०

की उपाधि तथा यह प्रमाण-पत्र प्रदान किया जाता है।



अलाहाबाद दिनांक २-१०-१९६५

कुलपति / Vice-Chancellor
 डॉ० एम० एफ० खन्सारी, डी० लिट०
 कुलपति

उत्तर प्रदेश सरकार शिक्षण संज्ञा १०२३, संख्या ३९२१/१-१००७७

[प्रमाण संख्या ५५] कुलपति / Vice-Chancellor

12

Gandhi Hindi Vidyapith, Allahabad U.P.
(HINDI UNIVERSITY)

F. No: 61/SB. No **9917**

Roll No. **2835**

Enrolment No. **7836**



Date of Birth **08/04/1975**

B.T.C./J.B.T. Final Examination Marksheet 1995.

Statement of marks obtained by Anil Kumar

S/o D/o Mr. Suryug Prasad Yadav appeared as private/regular candidate in B. T. C./ Examination Standard J. B. T. 2nd. year Examination held in May/June 1995 conducted by Hindi University, Allahabad from the Centre Dashmesh Degree College Phagwara (Pb) with the following details :-

S. No.	Subjects offered by the candidate	Theoretical		Practical		Total	
		Papers M.M. M.O.	Paper M.M. M.O.	Paper M.M. M.O.	Marks M.M. M.O.		
1.	Comprative Educational & Educational Evaluation...	100	80	-	-	100	80
2.	Problems of Basic Education	100	82	-	-	100	82
3.	Methods of Teaching :-						
	(i) Science or Social studies	75	65	75	60	150	125
	(a) <u>History</u>						
	(b) <u>Geography</u>						
	(c) <u>Civics</u>						
	(ii) Mathematics.	50	42	50	40	100	82
	(iii) Physieal Education	50	44	50	42	100	86
4.	Teaching of Special Language	50	38	50	39	100	77
	(i) <u>Hindl</u>						
5.	Craft Teaching	50	40	50	40	100	80
	(i) <u>Agriculture</u>						
6.	Arts or Music	50	39	50	43	100	82
7.	Gandhian Philosophy & Religious Studies	100	86	-	-	100	86
Grand Total of marks obtained in 2nd year Exam.		625	516	325	264	950	780
Grand Total of marks obtained in 1st year Exam.		650	518	-	-	650	518
Central Total of marks obtained during 2 Years Course.		1275	1034	325	264	1600	1298

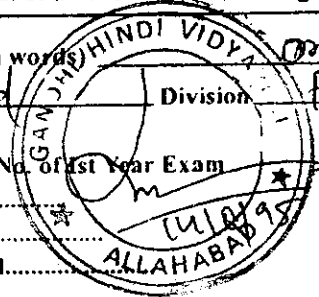
Marks obtained (in words) one thousand two hundred twenty eight
Result Passed Division First Distinction

Ref. Marksheet No. of 1st Year Exam

Prepared by.....

Compared by.....

Allahabad Dated.....



Registrar
Gandhi Hindi Vidyapith
Allahabad

ए० २७६ ५०

आनंद कुमार



हिन्दी विश्वविद्यालय

BABY TEACHER'S CERTIFICATE TRAINING EXAMINATION
बी० टी० सी० प्रशिक्षण परीक्षा १९५५

प्रमाणित किया जाता है कि

प्रमोद कुमार

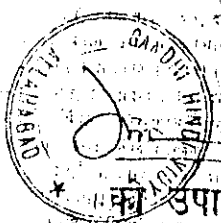
आत्मज/आत्मजा श्री किन्देश्वरी प्रसाद यादव संस्थागत/आशिक/व्योमगत
अभ्यर्थी ने गांधी हिन्दी विद्यापीठ, प्रयाग द्वारा संचालित बेबी टीचर्स सर्टीफिकेट
प्रशिक्षण परीक्षा के लिए निर्धारित पाठ्यक्रम का सम्यक अध्ययन निम्न विषयों
में किया तथा दसमेश (डिग्री) कॉलेज, फगवाड़ा (पंजाब)
प्रशिक्षण केन्द्र से बेबी टीचर्स सर्टीफिकेट प्रशिक्षण परीक्षा सन् १९५५
में प्रथम श्रेणी में उत्तीर्ण किया।

परीक्षा विषय

- | | | | |
|---|---|--------------------------------|--|
| (क) अनिवार्य विषय
१-शिक्षण विज्ञान
२-शिक्षण अभ्यास
३-सांस्कृतिक तथा सांसारिक शिक्षा
४-गांधी साहित्य | (ख) मुख्य विषय
१-कला
२-शिल्प हिन्दी | (ग) गौण विषय
१-शिल्प इतिहास | (घ) वैकल्पिक विषय
१-शिक्षण अभ्यास
२-शिक्षण विज्ञान |
|---|---|--------------------------------|--|

इनकी जना निधि (पट्टा में) ०१-०३-१९६६ (संकेत में) एक माघ ३०/१५/६६

आज्ञा: गांधी जयन्ती दीक्षान्त समारोह के शुभ अवसर पर गांधी हिन्दी विश्वविद्यालय प्रयाग की ओर से आपको ससम्मान



बी० टी० सी०

को संपाधि तथा यह प्रमाण-पत्र प्रदान किया जाता है।

कुलपति/Vice-Chancellor
श्री प्रमोद कुमार

प्रकाशक/प्रकाशक दिनांक ०२-१०

कुलपति/Vice-Chancellor

Gandhi Hindi Vidyapith, Allahabad U. P. (HINDI UNIVERSITY)

F. No: 61/SB. No 2632

Roll No. 9143

Enrolment No. 8144

Date of Birth 01-03-1977



B.T.C.J.B.T. Final Examination Marksheet - 1995

Statement of marks obtained by Pranod Kumar
S/o D/o Mr. Binderhwar Prasad appeared as private/regular candidate in B. T. C. Examination Standard J. B. T. 2nd. year Examination held in May/June 1995 conducted by Hindi University, Allahabad from the Centre Dashmesh Degree College Phagwara (Distt. B.) with the following details :-

S. No.	Subjects offered by the candidate	Theoretical Papers		Practical Paper		Total Marks	
		M.M.	M.O.	M.M.	M.O.	M.M.	M.O.
1.	Comprative Education & Educational Evalution ...	100	78	—	—	100	78
2.	Problems of Basic Education ...	100	75	—	—	100	75
3.	Methods of Teaching :-						
	(i) Science or Social studies:	75	64	75	62	150	126
	(a) ... <u>History</u> ...						
	(b) ... <u>Geography</u> ...						
	(c) ... <u>Edica</u> ...						
	(ii) Mathematics.	50	34	50	32	100	66
	(iii) Physical Education	50	33	50	27	100	60
4.	Teaching of Special Language...	50	35	50	37	100	72
	(i) ... <u>Fl. words</u> ...						
5.	Craft Teaching						
	(i) ... <u>Agriculture</u> ...	50	36	50	34	100	70
6.	Arts or Music.	50	38	50	40	100	78
7.	Gandhian Philosophy & Religious Studies	100	82	—	—	100	82
Grand Total of marks obtained in 2nd. Year Exam.		625	475	325	239	950	719
Grand Total of marks obtained in 1st Year Exam.		650	497	—	—	650	497
Central Total of marks obtained during 2 Years Course		1275	972	325	239	1600	1211

Marks obtained (in words) Twelve hundred eleven

Result Passed Division First Distinction

Ref. Marksheet No. of 1st Year Exam

Prepa.

Completed by 8.95

Allahabad Dated

Registrar
Gandhi Hindi Vidyapith
Allahabad

बिहार कर्मचारी चयन आयोग
पो-वेटनरी कॉलेज, पटना-14

आपत्ति हेतु प्रपत्र

(विज्ञापन संख्या-210/2010, पद-सहायक शिक्षक)

(समीक्षार की प्रति)

आपत्ति प्रपत्र क्रमांक (कार्यालय प्रयोग हेतु) T-24148

1. अभ्यर्थी का नाम:- अनिल कुमार
2. अभ्यर्थी का माननीय सर्वोच्च न्यायालय में समर्पित सूची क्रमांक:- 81722
3. पिता का नाम:- सरपुंग प्रसाद पाठक
4. जन्मतिथि:- 08-04-1975
5. स्थायी पता:- ग्राम - रैशना, पो-पस्तपार, तामा - धरौली
जिला - मधेपुरा

6. संस्थान का विवरण जहाँ से प्रशिक्षण प्राप्त किया:-

क्रमांक	संस्थान का नाम	विश्वविद्यालय/बोर्ड का नाम	प्रशिक्षण का प्रकार (दो वर्षीय/बीएड/सीएपीएड/डीएपीएड)
01	दगमैत्रा डिग्री कॉलेज फरावारा, पंजाब	गौरी हिन्दी विश्वविद्यालय, फरावारा, उत्तर प्रदेश	दो वर्षीय प्रशिक्षण सत्र - 1993-1995

7. वैसे अभ्यर्थी (क्रमांक-6 के संस्था से प्रशिक्षण प्राप्त) का नाम जिन्हें माननीय सर्वोच्च न्यायालय में समर्पित सूची में शामिल किया गया है:- जुताबदेव राम (2) मीरा कुमारी

8. माननीय सर्वोच्च न्यायालय में समर्पित सूची में कॉलम-7 के अभ्यर्थी का क्रमांक - ~~17529~~ 17529
(11) 17556

9. संलग्न किए जानेवाले साक्ष्य की सूची का विवरण:-

- | | |
|------------------------------------|--|
| (1) मैट्रिक का अंक पत्र | (6) प्रशिक्षण का मूल प्रमाण पत्र |
| (2) मैट्रिक का मूल प्रमाण पत्र | (7) जन्म प्रमाण पत्र |
| (3) इन्टरमीडिएट का अंक पत्र | (8) माननीय सर्वोच्च न्यायालय में समर्पित सूची में अंक |
| (4) इन्टरमीडिएट का मूल प्रमाण पत्र | (9) नाम का सूची संलग्न कर (सही) |
| (5) प्रशिक्षण का अंक पत्र | (10) कॉलम-7 के अभ्यर्थी के संकेतित न्यायालय में समर्पित सूची का प्रमाण |

मैं घोषणा करता/करती हूँ कि उपरोक्त विवरण सही है।

अनिल कुमार
अभ्यर्थी का हस्ताक्षर



बिहार कर्मचारी चयन आयोग
पो-वेटनरी कॉलेज, पटना-14

16

आपत्ति हेतु प्रपत्र

(विज्ञापन संख्या-210/2010, पद-सहायक शिक्षक)

(उम्मीदवार की प्रति)

आपत्ति प्रपत्र क्रमांक (कार्यालय प्रयोग हेतु): T-23165

1. अभ्यर्थी का नाम:- प्रमोद कुमार
2. अभ्यर्थी का माननीय सर्वोच्च न्यायालय में समर्पित सूची क्रमांक:- 81045
3. पिता का नाम:- विदेव प्रसाद चादक
4. जन्मतिथि:- 01-08-1977
5. स्थायी पता:- ग्राम - भरार, पो- भरारघाट
-मार्ग - ठवालगाड़ा
-जिला - मधेपुरा

6. संस्थान का विवरण जहाँ से प्रशिक्षण प्राप्त किया:-

क्रमांक	संस्थान का नाम	विश्वविद्यालय/बोर्ड का नाम	प्रशिक्षण का प्रकार (दो वर्षीय/बीएड/सीपीएड/डीपीएड)
01	दशमैत्र डिग्री कॉलेज फ़ाजारा, पंजाब	गौरी हिन्दी विश्वविद्यालय मुरादाबाद उत्तर प्रदेश	दो वर्षीय प्रशिक्षण क्षेत्र - 1993-1995

7. वैसे अभ्यर्थी (क्रमांक-6 के संस्था से प्रशिक्षण प्राप्त) का नाम बिन्हे माननीय सर्वोच्च न्यायालय में समर्पित सूची में शामिल किया गया है:- गुलाबदेव राम

8. माननीय सर्वोच्च न्यायालय में समर्पित सूची में कॉलेज-7 के अभ्यर्थी का क्रमांक - 81045

9. संलग्न किए जानेवाले साक्ष्य की सूची का विवरण:-

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| <ul style="list-style-type: none"> (1) मैट्रिक का अंक प्रमाण पत्र (2) मैट्रिक का मूठ प्रमाण पत्र (3) इन्टरमीडिएट का अंक प्रमाण पत्र (4) इन्टरमीडिएट का मूठ प्रमाण पत्र (5) प्रशिक्षण का अंक प्रमाण पत्र | <ul style="list-style-type: none"> (16) प्रशिक्षण का मूठ प्रमाण पत्र (17) जाति प्रमाण पत्र (18) माननीय सर्वोच्च न्यायालय में समर्पित सूची में अपना नाम (19) कॉलेज (7) के अभ्यर्थी का माननीय सर्वोच्च न्यायालय में समर्पित सूची का प्रमाण पत्र (16) उम्मीदवार का विवरण (कॉलेज-7) |
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मैं यहाँ कक्षा/कक्षाई हूँ कि उपरोक्त विवरण सही है। मैं इस प्रपत्र में सुची का प्रमाण पत्र प्रती -

अभ्यर्थी का हस्ताक्षर
प्रमोद कुमार

