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IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

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

Malti Kumari Petitioner .

Versus

The State of Bihar and Ors. Respondents.

Sub :- Selection (School Service)

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		Vakalatnama.	

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SYNOPSIS

Petitioner moved before this Hon'ble Court for appropriate direction to consider and correction of his remarks column of merit list in which his training Institution declared take.

Several persons who got their training alongwith petitioner in same Session has put under merit list but petitioner filed complaint before staff selection commission but till date no action has been taken.

LIST OF DOCUMENT

1990 Training certificate and marks sheet of
petitioner.

13.01.12 petitioner filed complaint before staff selection
Commission Bihar , Patna.

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 ;

Malti Kumari, D/O Satya Narayan Yadav, W/O Late
Nityanand Yadav, R/O Village – Haripur tinkonma, P.O. –
Haripur Kala, P.S. –Murliganj, District – Madhepura.

.....**Petitioner.**

Versus

1. The State of Bihar through its Principal Secretary,
Education Department, Government of Bihar, Patna.
2. The Director, Primary Education Government of Bihar,
Patna.
3. The Bihar Staff Selection Commission Patna , through its
Secretary.
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 petitioner named
above.

MOST RESPECTFULLY SHEWETH :-

1. That this is an application on behalf of abovenamed petitioner for issuance of appropriate writ (s) / Order(s) / Direction(s) for appropriate direction to the Respondents Staff Selection Commission to consider and correct the remarks column of merit list for the validity of the Institution and thereafter to consider and appoint the petitioner against existing vacancy of 2413 out 34540 .

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

2. That declaration of petitioner's institution as fake by the respondent staff selection Commission is illegal , malafide , arbitrary and also without any basis. The Action of respondent is violative of Article 14,16 and 21 of Constitution of India as well as Principle of Natural Justice.
3. That the petitioner is citizen of India and residing within the territorial Jurisdiction of this Hon'ble Court.

4. That it is stated here that petitioner passed the matriculation in year 1984 and took admission Millia Kaniz Fatma Primary Teachers Training College Rambagh, Purnea, in Session 1985-1987 it is hereby pertinent to state here that the said institution was validly recognized by the state Government as well as other authorities for the said period .
5. That thereafter petitioner appeared in examination and passed the same 1st division and marks sheet and certificate has been issued by the Bihar School Examination Board , Patna.

Copies of marksheet and certificate are being annexed as Annexure -1 series to this application.

6. That on the basis of said basic teacher training certificate petitioner is still working as trained teacher in Up-graded

Middle School Tinkonma, Block – Murliganj, District –
Madhepar.

8. That it is pertinent to state here that several case filed before Hon'ble Supreme Court for appointment of Trained Teacher in state of Bihar. Thereafter direction of Hon'ble Supreme Court Mr.S.K. Chattopadhyya the Retired Judge of Patna High Court made Special officer for finalization of list of trained teacher.
7. That after doing the above said exercise merit list prepared and published in which petitioner shown at Serial No. 27174 thereafter in second merit list petitioner less at serial no. 95764 and in the remarks column her institution was declared as fake.
8. That petitioner got shocked and surprised when she saw her name in the merit list with a remarks as fake institution simultaneously the respondent commission has treated the institution as valid and recognized for the aforesaid session for other candidates. Petitioner has

obtained information about some of them which are being given here with one. Farzana Kaushar who has been placed at Serial No. 22044 in the same session of 1985-1987 has been treated as valid and recognized and she has been selected and appointed. In fact there are more than hundred of candidates having teacher training certificate from the institution in question and with same session has been declared valid candidates .

9. That the petitioner filed her complaint before Bihar Staff Selection Commission Patna on 18.01.2012 with all documents and ground of validity of institution. But till date no correction has been made by the respondent commission in this regard.

A copy of complaint dated 18.01.12. is Annexed as Annexure -2 to this application.

10. That training certificate of the petitioner issued by Bihar School Examination Board is being treated in valid and recognized certificate for every where and all peruses.
11. That it is also pertinent to state here that earlier the Hon'ble Supreme Court has upon the Hon'ble Courts to entertain the disputes with regard to vacancy of 34540 trained teachers but vide order dated 18th of July 2013 passed in SLP (Civil) No. 26824 of 2012 (Yashwant Singh and ors Vs. State of Bihar and ors.) the Hon'ble Supreme Court modified its earlier order. The said SLP is reported in 2013 (3) PLJR 302.
12. That if the correction will be made in the merit panel of the petitioner she will come under the consideration Zone for appointment against the vacancy of B.C. II category.
13. That the action of respondent is illegal, arbitrary, Malafide, malacious and bad in law and also in facts.

14. 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.
15. That the petitioner has no other efficacious and alternative remedy except to move before this Hon'ble Court.
16. That the petitioner has not moved earlier before this Hon'ble Court in the matter.

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

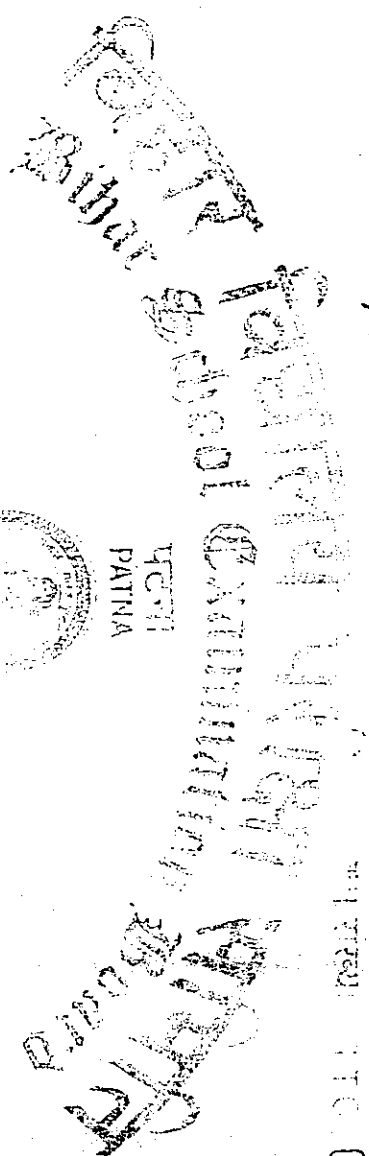
I, Malti Kumari, aged about – 44 years, D/O Satya Narayan Yadav, W/O Late Nityanand Yadav, R/O Village – Haripur tinkonma, P.O. – Haripur Kala, P.S. –Murliganj, District – Madhepuardo hereby solemnly affirm and state as follows :-

1. That I am petitioner 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.

Malti Kumari

Answer 1

0016538



प्रमाणित किया जाता है कि

शारदा कुमारी रोल कोड 422 / क्रमांक 60 जो

श्री सत्य नारायण शर्मा के मुम्/की पुत्री है और निम्नकी

जन्म-दिधि 05-02-68 ई० है, प्राथमिक शिक्षक शिक्षा-महाविद्यालय

शिक्षण केंद्र काठमान्डु नगरपालिका ३०-४९ नगर को वार्षिक/पुस्तक

शिक्षक प्रशिक्षण (नियमित/राशिषय वर्ग) पठनार्थ प्रमाण लेखनी में

उत्तीर्ण हुए/हुई।

पटना, दिधि 07-06-20 ई०

Sanjiv
सचिव



Form C.T. 006

3787

बिहार विद्यालय परीक्षा समिति

शिक्षक प्रशिक्षण परीक्षा 1991

परीक्षार्थी: **Mohi Kumar**

रोल नंबर

1221

वर्ग: 60

का बिहार विश्वविद्यालय 112 1991 85-87

पत्रिका संख्या: 11/12/104

क्र. संख्या	परीक्षा का प्रकार	विषय	अंक	समय
1	प्रथम श्रेणी	निम्नलिखित प्राथमिक प्रथम श्रेणी	190	
2	द्वितीय श्रेणी	द्वितीय श्रेणी	150	
3	तृतीय श्रेणी	तृतीय श्रेणी	184	
4	नवोदित भारतीय समय में शिक्षा एवं शिक्षक			
5	बाल मनोविज्ञान			
6	पाठ्यक्रम एवं मूल्यांकन तथा विचार में प्रयोगिक शिक्षा की आवश्यकता			
7	मातृभाषा शिक्षणविधि तथा पाठ्यक्रम			
8	गणित शिक्षणविधि तथा पाठ्यक्रम			
9	विज्ञान शिक्षणविधि तथा पाठ्यक्रम			
10	समय अभ्यास शिक्षणविधि तथा पाठ्यक्रम			
11	द्वितीय भारतीय भाग संस्कृत / हिन्दी शिक्षणविधि तथा पाठ्यक्रम			
12	योग (काल 1 व 8)			
13	नवोदित भारतीय समय में शिक्षा और शिक्षक			
14	बाल मनोविज्ञान			
15	पाठ्यक्रम एवं मूल्यांकन तथा विचार में प्रायोगिक शिक्षा की आवश्यकता			
16	मातृभाषा शिक्षणविधि तथा पाठ्यक्रम			
17	गणित शिक्षणविधि तथा पाठ्यक्रम			
18	विज्ञान शिक्षणविधि तथा पाठ्यक्रम			
19	समय अभ्यास शिक्षणविधि तथा पाठ्यक्रम			
20	द्वितीय भारतीय भाग संस्कृत / हिन्दी शिक्षणविधि तथा पाठ्यक्रम			
21	सूचक उद्योग			
22	सहायक उद्योग I			
23	सहायक उद्योग II			
24	योग (सूचक 19-21 तक)			
25	शारीरिक शिक्षा एवं स्वास्थ्य विभाग			
26	कला संगीत			
27	सांस्कृतिक जीवन			
28	अभ्यास पाठ			
29	स्वाध्याय माफ़ी			
30	पूरा उद्योग			
31	सहायक उद्योग I			
32	सहायक उद्योग II			
33	योग			
34	अभ्यास पाठ			
35	स्वाध्याय माफ़ी का निर्माण			
36	योग			
37	सूचक 31 और 32 का योग			
38	सूचक 33 और 34 का योग			
39	अतिरिक्त प्रश्नोत्तर			
40	योग			
41	योग			
42	अंकों में विरल अंक (38 से अधिक)			
43	संगणित योग			
44	श्रेणी			
45	उत्तीर्ण			
46	अवर्गीकृत			

Form 75/-

Handwritten signature

Handwritten signature

12

Annexure-2

13

बिहार कर्मचारी चयन आयोग
पो0-वेटनरी कॉलेज, पटना-14.

आपत्ति हेतु प्रपत्र

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

आपत्ति प्रपत्र क्रमांक (कार्यालय प्रयोग हेतु): T-21108

1. अभ्यर्थी का नाम:- मालती कुमारी
2. अभ्यर्थी का माननीय सर्वोच्च न्यायालय में समर्पित सूची क्रमांक:- 95764
3. पिता का नाम:- श्री सत्यनारायण यादव
4. जन्मतिथि:- 05.02.1968
5. स्थायी पता:- ग्राम- हरिपुरतिनकोनमा, पोस्ट- हरिपुरकला, थाना- मुरलीगंज
जिला- मधेपुरा, बिहार पिन- 852122

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

क्रमांक संस्थान का नाम	विश्वविद्यालय/बोर्ड का नाम	प्रशिक्षण का प्रकार (दो वर्षीय/बी0एड0/ सी0पी0एड0/डी0पी0एड0)
1	मालिका कनीज फार्मा महाविद्यालय रामबाग मुर्शिदाबाद	बिहार विद्यालय परीक्षा शांभु 52जा दो वर्षीय प्रतिदिन

7. वैसे अभ्यर्थी (क्रमांक-6 के संस्था से प्रशिक्षण प्राप्त) का नाम जिन्हें माननीय सर्वोच्च न्यायालय में समर्पित सूची में शामिल किया गया है:- फरजाना कौसल
8. माननीय सर्वोच्च न्यायालय में समर्पित सूची में कॉलम-7 के अभ्यर्थी का क्रमांक - 14096
9. संलग्न किए जानेवाले साक्ष्य की सूची का विवरण:- (1) पटना हाई कोर्ट का आदेश, (2) अभ्यर्थी का अभिप्रेत प्रमाण पत्र (3) फाईनल सूची में सूचीकृत के अभ्यर्थी का प्रपत्र (4) अभ्यर्थी का अभिप्रेत प्रमाण पत्र (फोटो वाला)

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

मालती कुमारी
अभ्यर्थी का हस्ताक्षर

