

CC-8
19/9/13

IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

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

Md. Islam Petitioner .

Versus

The State of Bihar and Ors. Respondents.

Sub :- Selection (School Service)

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SYNOPSIS

Petitioner moved before this Hon'ble Court for appropriate for correction his training session which has been wrongly mentioned as 1995 in place of 1993 - 1995 . Serial person who got their training along with petitioner have already been appointed by the Commission. Further in Several Column matric trained has been mentioned. However before NCIC Act Minimum qualification for Basic teacher training course of metric.

LIST OF DOCUMENT

1995.	Copies of marks sheet.
2012	copy of relevant portion of merit list.
31.1.12	Complaint before staff selection Commission 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 ;

Md. Islam, Son of Md. Habib, R/O village + P.O. + P.S. –
Gwalpara, 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) Directions(s) for appropriate direction to the respondent staff selection commission for correct the training Session of Petitioner as 1995 -1995 in place of 1995.

Further respondent be directed to appoint the petitioner in existing vacancy of 2413 out of 34540 of petitioner found place in merit list correction of his sessions.

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

2. That the petitioner writ application in inter allia based on the ground that the action of respondent is illegal, malafide , arbitrary, malacious and bad in law and also in facts. The respondent authority mentioned name of petitioner with wrong 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 as well as Principal 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 1993 and after that he took admission in Session 1993-95 in Gandhi Hindi Vidyapeet Allahabad for Baby Teacher Training Course which is equivalent to basic teacher training Course.
5. That thereafter petitioner appeared in examination and passed the same and marks sheet and certificate has been issued by the Competent authority to the petitioner.

A copy of mark sheet and certificate ~~are~~ being annexed as Annexure -1 to this application.

6. 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. Chattopadhyaya 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. 108763.

However his training session written as 1995 in place of 1993-95 and also in remarks column Matric trained has been written .

A copy of relevant portion of merit list is being annexed herewith and marked as Annexure -2 to this application.

8. That it is stated here that before the NCTE Act the minimum qualification was matric however after NCTE act minimum qualification became Intermediate for basis teacher training course.

9. That final merit list published and petitioner did not found place with 34540 . In mention the staff selection Commission Published notification for correction of any grievance with regard to merit list.
10. That the petitioner filed his complaint before Bihar Staff Selection Commission Patna on 31.1.2012 with all relevant documents and also mentioned the name of person who found place in merit list and appointed.

A copy of complaint date 31.1.12
is annexed as Annexure -3 to this
application.

11. That it is stated here that several trained candidate filed S.L.P. (C) 26824/12 before Hon'ble Supreme Court against the list prepared by Bihar Staff Selection Commission, Patna. Petitioner also intervened in SLP (1) No. 26824 of 12 through dairy No. 13533 of 2012.
12. That on 18.07.2013 Hon'ble Supreme Court heard the SLP No. 26824 of 12 and modify his earlier order and

liberty has given to the applicant for move before Hon'ble Patna High Court for redressal their grievances. The said order reported in 2013 (3) PLJR 302.

13. That it is stated here that several persons who have got their training along with petitioner is either selected or their name have been listed in merit list. However but petitioner has been placed at Sl. No. 109183 and in remark column matric trained has been mentioned.
14. That it is stated here that before the NCTE Act the minimum qualification for Basic teacher training Course was matric . However after NCTE Act the minimum qualification became Intermediate.
15. That the action of respondent is illegal arbitrary , malafide, malacious and bad in law and also in facts.

16. 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.
17. That the petitioner has no other efficacious and alternative remedy except to move before this Hon'ble Court.
18. 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, Md. Islam, aged about 44 years, Son of Md. Habib, R/O village + P.O. + P.S. – Gwalpara, District – Madhepura. do 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 understood 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.

Md. इस्लाम

क्रम संख्या... ६०६४२

अनुक्रमिक... ६०६१

गाँधी हिन्दी विद्यापीठ, प्रयाग, उत्तर प्रदेश



(हिन्दी विश्वविद्यालय)

BABY TEACHER'S CERTIFICATE TRAINING EXAMINATION

बी० टी० सी० प्रशिक्षण परीक्षा १९६९

प्रमाणपत्र किया जाता है कि

मो० इसलाम

आत्मज / आत्मजा श्री मो० हबीब संस्थागत / आंशिक / व्यक्तिगत अभ्यर्थी ने गाँधी हिन्दी विद्यापीठ, प्रयाग द्वारा संचालित बेबी टीचर्स सर्टीफिकेट प्रशिक्षण परीक्षा के लिए निर्धारित पाठ्यक्रम का सम्यक् अध्ययन किने विषयों में किया तथा एस्० जी० कॉलेज अम्बाला शहर हरियाणा प्रशिक्षण केन्द्र से बेबी टीचर्स सर्टीफिकेट प्रशिक्षण परीक्षा सन् १९६९ ई० में प्रथम श्रेणी में उत्तीर्ण किया।

परीक्षा विषय

(क) अनिवार्य विषय

- १-शिक्षण सिद्धान्त
- २-शिक्षण अभ्यास
- ३-सामुदायिक तथा शारीरिक शिक्षा
- ४-गाँधी साहित्य

(ख) मुख्य विषय

- १-कला
- २-शिल्प हिन्दी

(ग) गौण विषय

- १-शिल्प कृषि

(घ) ऐच्छिक विषय

- १-शिक्षण अभ्यास
- २-शिक्षण विधि

इनकी जन्म तिथि (अङ्ग्रेजों में) २१/१/१९६१ (शब्दों में) इक्कीस जनवरी सन् उन्नीस के है।

अतः 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।

इलाहाबाद दिनांक २१/१/१९६९

डा० एम० एफ० अन्सारी

उत्तर प्रदेश सरकार निबन्धन संख्या १०२३, संख्या ३९२१/१-३००७७

[प्रमाण संख्या ५५]

कुलपति/Vice Chancellor

कुलपति

कार्यालय - जिला पदाधिकारी

अत्यन्त पिछड़ा वर्ग/ पिछड़ा वर्ग के लिए

जाति प्रमाण - पत्र

प्रमाण-पत्र संख्या - 1545

दिनांक 8/7/10

अनुमंडल पदाधिकारी... प्र.हा. - कि.मु.न.श.का. के प्रमाण-पत्र संख्या..... 6.8.2

दिनांक 01.07.2010 के आधार पर यह प्रमाणित किया जाता है कि

श्री/श्रीमती/सुश्री..... मा.०. इ.ला.म.

पिता/पति श्री..... मा.०. इ.ला.म.

ग्राम..... पो.

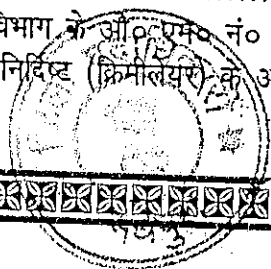
थाना..... अनुमंडल.....

जिला..... बिहार पदों एवं सेवाओं की रिक्तियों में आरक्षण (अनुसूचित जातियों, अनुसूचित जन जातियों एवं अन्य पिछड़े वर्गों के लिए) अधिनियम 1991 के अधीन अत्यन्त पिछड़ा वर्ग अनुसूची-1) पिछड़ा वर्ग (अनुसूची-2) के अन्तर्गत..... जाति के सदस्य हैं।

यह भी प्रमाणित किया जाता है कि श्री/श्रीमती/सुश्री.....

भारत सरकार के कार्मिक एवं प्रशिक्षण विभाग के आ.०.एम.० नं० 3601/22/93 ई० एस० टी० (एस० टी०) दिनांक 8-9-93 की अनुसूची में विनिर्दिष्ट (क्रिमीलियर) के अन्तर्गत नहीं आते हैं।

नोट :- जो लागू नहीं हो उसे काट दें।



दिनांक 8/7/10

Annexure - 3

13

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

आपत्ति हेतु प्रपत्र

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

(उम्मीदवार की प्रति)

आपत्ति प्रपत्र क्रमांक (कार्यालय प्रयोग हेतु): T-24147

1. अभ्यर्थी का नाम:- मो० इस्लाम
2. अभ्यर्थी का माननीय सर्वोच्च न्यायालय में समर्पित सूची क्रमांक:- I 108763 -- II 109183
3. पिता का नाम:- मो० इब्नी
4. जन्मतिथि:- 21-01-1971
5. स्थायी पता:- ग्राम-पोस्ट-जवाहरपाड़ा
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)
1.	एस०पी० कॉलेज अम्बाला 2125 हरियाणा	शांती विन्दी विद्यापीठ भारत-उत्तर प्रदेश (गोरखपुर)	दो वर्षीय 1993-95

7. वैसे अभ्यर्थी (क्रमांक-6 के संस्था से प्रशिक्षण प्राप्त) का नाम जिन्हें माननीय सर्वोच्च न्यायालय में समर्पित सूची में शामिल किया गया है:- (1) मीरा कुमारी (2) गुलाबदेक शर्मा (3) मो० अजहर
8. माननीय सर्वोच्च न्यायालय में समर्पित सूची में कॉलम-7 के अभ्यर्थी का क्रमांक (1) 17556 (2) 17529 (3) 3464

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

1. अभ्यर्थी का माननीय सर्वोच्च न्यायालय में समर्पित सूची का छाया प्रती
 2. मैट्रिक का मुख्य प्रमाण पत्र का छाया प्रती (6) जारि प्रमाण पत्र का छाया प्रती
 3. मैट्रिक का अंक पत्र का छाया प्रती (7) काफ़्त सार के अभ्यर्थी का सर्वोच्च न्यायालय में समर्पित सूची का छाया प्रती
 4. प्रशिक्षण का मुख्य प्रमाण पत्र का छाया प्रती
 5. प्रशिक्षण का दोनो सत्र का अंकपत्र का छाया प्रती (8) विज्ञापन सं०-210/2010 का छाया प्रती
- मैं घोषणा करता/करती हूँ कि उपरोक्त विवरणों सही हैं।

21/11/11

मो० इस्लाम
अभ्यर्थी का हस्ताक्षर