

C-7
19/19/13

IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

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

Niraj Kumar 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.

987

GOVT. OF BIHAR
REGISTRATION, EXCISE & PROHIBITION DEPT.
PATNA SCORE PATNA



STAMP DUTY

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बिहार
JUDICIAL

COURT FEE

Rs. ≈ 0000285 ≈

-1.8.2013

Authorization No. 2676

INDIA

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BIHAR

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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 ;

Niraj Kumar , Son of Mahavir Prasad Yadav, R/O Rajni
Phokhar Tola, P.O. – Rajni Goth , P.S- Murliganj, 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 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 applications on behalf of abovenamed
petitioners 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 of 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 1988 and took admission non government Chhotanagarpur Primary Teachers Training

College Doranda, Ranch in Session 1988-1990 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 2nd 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 new Created Primary School Malik Tola Rajni Block – Murliganj, District – Madhepar.

7. 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.

8. That after doing the above said exercise merit list prepared and published in which petitioner shown at Serial No. 97325 but in the remarks column his institution was declared as fake.
9. That petitioner got shocked and surprised when he saw his 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. Asha Kumari and Parash Nath Yadav who have been placed at Serial No. 48072 and 45447 in the same session of 1988-1990 has been treated as valid and recognized 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 .

10. That the petitioner filed his complaint before Bihar Staff Selection Commission Patna on 13.01.2012 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 13.01.12. is Annexed as Annexure -2 to this application.

11. 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.

12. That it is also pertinent to state here that earlier the Hon'ble Supreme Court has put ban 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.

14. That if the correction will be made in the merit panel of the petitioner he will come under the consideration Zone for appointment against the vacancy of B.C. II category.
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, Niraj Kumar, aged about 40 years, Son of Sri mahavir Prasad Yadav R/O Village _ Rajni(Goth) P.S. – Murliganj, 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 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.

Niraj Kumar

विद्यार्थी परीक्षा समिति
बिहार



प्रमाणित किया जाता है कि

जी.रंज कुमार
राज कोड 1111 क्रमांक 250 जो
श्री अडावीर प्र० माध्यम के पुत्र/की पुत्री है और जिनकी
पंजीयन-सिद्धि 05-05-1972 ई० है, प्राथमिक शिक्षक शिक्षा-महाविद्यालय
डौरन्दा, (सॉन्वी) से 88-90 राज की वार्षिक/पूरक
शिक्षक परीक्षा (नियमित/संक्षिप्त राज) परीक्षा में द्वितीय श्रेणी में
उत्तीर्ण हुए/हई।

पत्र संख्या 5-1-93

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पत्रा सं. A 1052



बिहार विद्यालय परीक्षा समिति

शिक्षक परीक्षण विद्यालय परीक्षा १९९१

परीक्षार्थी श्रीरंज कुमार

पत्रा सं. १०११

पत्रा सं. १९९०

का शिक्षक परीक्षण परीक्षा १९९१

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सं. 151-

सही पत्र

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प्रशासक प्रशासक

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11

Annexure - 2

12

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

आपत्ति हेतु प्रपत्र

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

आपत्ति प्रपत्र क्रमांक (कार्यालय प्रयोग हेतु): T-20203

1. अभ्यर्थी का नाम:- गीरज कुमार
2. अभ्यर्थी का माननीय सर्वोच्च न्यायालय में समर्पित सूची क्रमांक:- 97325
3. पिता का नाम:- महावीर प्रसाद भादव
4. जन्मतिथि:- 05-05-1972
5. स्थायी पता:- ग्राम-रजनी पौरवरी, पोस्ट-रजनी शौक, भा.प्रान.बेदासीगंज
जिला-मधेपुरा (बिहार)
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)
250	पाश्चिमि शिक्षक शिक्षा महाविद्यालय डीरन्डा, रौंजी	बिहार विद्यालय परीक्षा समिति पटना	दो वर्षीय सत्र-88-90

7. वैसे अभ्यर्थी (क्रमांक-6 के संस्था से प्रशिक्षण प्राप्त) का नाम जिन्हें माननीय सर्वोच्च न्यायालय में समर्पित सूची में शामिल किया गया है:- आशा कुमारी, पारसनाथ भादव
8. माननीय सर्वोच्च न्यायालय में समर्पित सूची में कॉलम-7 के अभ्यर्थी का क्रमांक 48072, 45487
9. संलग्न किए जानेवाले साक्ष्य की सूची का विवरण:- श्रीपंकज स्विकृति
अवर प्रभार शिक्षा पदाधिकार उदाकिशुनगंज प्रपत्रांक 625 दिनांक 12/11/19
द्वारा प्रस्वीकृति मान्य
अधिकृत-मूलप्रमाणपत्र, प्रशिक्षण-मूलप्रमाणपत्र एवं अंकप्रमाणपत्र
में घोषणा करता/करती हूँ कि उपरोक्त विवरणी सही है।

गीरज कुमार

अभ्यर्थी का हस्ताक्षर

