
(2007) 10 PAT CK 0058
In the Patna High Court
Case No : CWJC No. 15592 of 2006

Nutan Kumari

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 31-10-2007

Acts Referred:

Citation : (2008) 2 PLJR 191

Hon'ble Judges : S.K. Katriar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

S.K. Katriar, J.—Heard Mr. Uday Chandra Prasad for the petitioner and Mr. Dhananjay Kumar, J.C. to G.P. 12. This writ petition has been preferred for a direction to the respondent authorities to consider the petitioner's case for appointment as School teacher. The petitioner's case has not been considered on the ground that she had not furnished the relevant particulars as to her eligibility criteria in the prescribed form. The respondents have placed on record their counter affidavit and have opposed the writ petition.

2. I have perused the materials on record and considered the submissions of the learned counsel for the parties. The State Government had issued an advertisement which had appeared in the local dailies on 1.7.2006, inviting applications from eligible candidates for appointment as trained school teachers. The petitioner had submitted her application in the prescribed proforma on 5.9.2006. Photocopy of the petitioner's duly filled up application is marked as Annexure A to the counter affidavit, a perusal of which disclosed that she had applied for the post of trained school teacher. Column No. 05 of item No. 12 of the proforma required the candidate to state the marks obtained by her in the trained teachers examination and column No. 06 required the candidate to furnish the percentage of marks obtained by her. Both the columns in the petitioner's application had not been filled up with the required particulars are vacant. It is thus manifest that the petitioner failed to furnish the requisite

particulars and the respondent authorities were, therefore, right in refusing to consider the petitioner's case.

3. It further appears that the petitioners had appeared at the said examination way back in 1991, conducted by the Bihar School Examination Board. The petitioner had appeared from Millia Kaneez Fateema Women's Primary Teachers' Training College, Purnea. The Board had entertained doubts about the standing of the college and, therefore, the results of the candidates including the petitioner were held up. This gave rise to CWJC No. 6664 of 2006 (Sunaina Kumar and Another vs. State of Bihar & Ors.), and CWJC No. 10267 of 2006 (Sudha Rani vs Bihar School Examination Board & Ors.), which were disposed of on 18.8.2006 and 23.8.2006, respectively (Annexure-1 series). In view of the directions in these orders, the petitioner's result was published and she was issued a certificate on 13.9.2006. It is thus obvious that the petitioner's result had been published after the last date of the submission of the application.

4. In view of the failure on the part of the petitioner to furnish the relevant particulars in her application, the respondent authorities may not have found it possible to process scrutiny of the petitioner's application and proceed further in the matter.

5. Learned counsel for the petitioner has relied on paragraph 4(x) of the circular No. 7/NL-3-02/06-1114, dated 24.7.2006 issued by the Department of Human Resources, Government of Bihar which reads as follows:-

6. It is manifest from a plain reading of the same that a candidate was not required to furnish the copies of the certificates/mark-sheets. The rule does not say that the candidate was also not required to furnish the marks secured by her in the relevant examination. Furthermore, in view of the prescribed proforma, it was imperative for the candidate to furnish the relevant particulars in the application form. Not having been furnished, the candidature of the petitioner was liable to be rejected, it is further relevant to state that the entire selection process has been closed and the appointments have already been made. I, therefore, do not find any merit in this writ petition and is accordingly dismissed.