
(2004) 08 JH CK 0115

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3881 of 2004

Shailendra Rajak

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-08-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 1 JCR 318

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Advocate : Delip Jerath and Sujit Narayan Prasad, for the Appellant; I. Sen Choudhary and Sheela Prasad, GP-IV, for the Respondent

Judgement

R.K. Merathia, J.—Heard the parties.

2. Petitioner prays for direction to respondents to permit him to participate in the ensuing B. Ed. examination of the Session 2002-03 (wrongly mentioned as 2003-04) to be conducted by Vinoba Bhave University, Hazaribagh.

3. Petitioner's case is that he appeared for the said examination held in 1994 for the Session 1990-91 from the Government Teacher's Training College, Hazaribagh but failed in one paper and thereafter no such examination was held.

4. The stand of the Vinoba Bhave University is that petitioner is not registered with the University. Vinoba Bhave University bifurcated from Ranchi University on 17.9.1992, but the said examination in which petitioner appeared was held by Ranchi University. No examination in the college in question was held, as by the order of the State Government (Bihar) all the State Training Institutions including at Hazaribagh were closed. Recently affiliation of those institutions including the college in question was granted for one year for the Session 2002-03 with certain conditions and for 100 seats only.

Learned counsel for Vinoba Bhave University further submitted that after the said affiliation was granted it is holding examination for the first time for B.Ed,

students of the college in question for the Session 2002-03. Affiliation for Session 2004-05 has also been granted by the State of Jharkhand. Advertisement inviting applications has been issued and the process for admission in that Session is going on. She further submitted that if petitioner so wishes he can get himself registered through the concerned college with the University and can take part in the examination for the said Session.

5. The stand of the Ranchi University is that the next examination for the academic session 1993-94 was held in the year 1996 in which candidates from Government Teacher's Training College, Hazaribagh appeared. One student was of the same session of the petitioner i.e. Session 1990-91, but petitioner did not choose to appear in the said examination held in January, 1996.

6. In these circumstances, no direction can be issued to the respondents to allow the petitioner to take part in the ensuing examination for the Session 2002-03. Petitioner, however, may take part in the next examination for the Session 2004-05 on completion of all the necessary formalities.

7. Mr. Jerath submitted that if 100 seats of Session 2002-03 examination have not been filled-up and if it is practical to compete all the formalities, petitioner may be allowed to take part in the said examination.

8. In the circumstances, petitioner may approach respondent No. 4, the Principal, Government Teacher's Training College, Hazaribagh. If she finds that there is no legal and practical difficulty, she may consider petitioner's request for allowing him to take part in the examination for the Session 2002-03.

9. With these observations and directions this writ petition is disposed of.