

Tripurari Narayan Vs. State of Bihar and ors.

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Court : Patna

Decided On : Mar-30-2005

Judge : S.K. Katriar, J.

Appeal No. : C.W.J.C. No. 16381 of 2004

Appellant : Tripurari Narayan

Respondent : State of Bihar and ors.

Disposition : Petition allowed

Judgement :

S.K. Katriar, J.

1. Heard Mr. Chandra Shekhar Singh for the petitioner, and Mr. Binod Kumar, JC to learned Standing Counsel No. II.

2. According to the writ petition, the petitioner was admitted to the Diesel Mechanic Trade for the session 1999-2000 at the Industrial Training Institute, Muzaffarpur, which is a one year course. The petitioner claims to have completed the course and appeared at the examination held in July 2000. He complains before this Court that his result is not being published.

3. Learned government counsel has placed on record his counter affidavit and has opposed this writ petition. The respondents have taken the stand in the counter

affidavit that the petitioner had not deposited the caution money of Rs. 50/-, essential to be deposited at the time of admission to the course in question. It is further stated that in view of a large number of irregularities in admissions including that of the petitioner, the then Deputy Director enquired into the alleged improprieties and found that the caution money was not deposited by the petitioner in the allotted trade and in view of the recommendation of the enquiry report, respondent No. 2 (Director, Labour, Employment and Training Department, Govt. of Bihar, Patna) cancelled the registration of the petitioner, vide letter No. 583, dated 11.5.2002 (Annexure-D), from the then respondent No. 2, to the Controller of Examinations, Department of Labour, Employment and Training. Owing to this reason, the petitioner's result has been kept pending. It is further stated in the counter affidavit that the petitioner had to deposit the requisite caution money for the Diesel Mechanic Trade but had instead deposited the same for Draftsman Mechanic Trade, vide receipt No. 4077, dated 1.10.1999, which has not been withdrawn by the petitioner, vide letter dated 7.2.2005 (Annexure-B), from respondent No. 4 (Principal, Industrial Training Institute, Muzaffarpur) to respondent No. 2. The latter (respondent No. 2) has consequently decided that the petitioner's admission to the course was contrary to the rules, vide letter No. 14.2.2005 (Annexure-C), issued under the signature of respondent Nos. 2 to the then Principal of the college.

4. I have perused the materials on record and considered the submissions of learned counsel for the parties. The admitted position thus is that the petitioner was admitted to the Diesel Mechanic Trade and had appeared at the examination held in July 2000. No fault has been found with the petitioner's basis eligibility for admission, nor any other fault has been found with his admission except that the caution money of Rs. 50/- had been deposited for the Draftsman Mechanic Trade, instead of Diesel Mechanic Trade. The enquiry report led to the aforesaid order dated 11.5.2002 (Annexure-D), whereby the petitioner's registration, apart from those of others was cancelled. The same does not assign reasons in support of the order. This letter was from the then respondent No. 2 to the Controller of Examinations. There is no material on record to show that the same was communicated to the petitioner, and has become aware of the same only from the counter affidavit, copy whereof was served on the learned counsel for the

petitioner on 1.3.2005. The caution money remains in deposit and the petitioner has not withdrawn the same. The entire text of the said letter dated 7.2.2005 (Annexure-B), from the Principal to the Director, disclosing this position, is set out hereinbelow for the facility of quick reference :--

???(I)

Letter No. T1-Vidhi-Nama. 05/05 dated 14.2.2005 (Annexure-C), issued under the signature of R.K. Khandelwal, Director, Department of Labour, Employment and Training, Govt. of Bihar, noticed the factual position and states that he was yet admitted and allowed to pursue the course. In the estimation of respondent No. 2, the petitioner's admission was in gross violation of the procedure. Following is the relevant portion of the letter dated 14.2.2005 (Annexure-C) :--

???(I)

5. The position thus is that the petitioner did deposit the requisite caution money in time which he has not withdrawn till date, though for a different Trade, may be inadvertently which may be attributable to the petitioner or the office of the Principal, resulting in cancellation of his admission to the course. There is no material on record to show that cancellation of the petitioner's registration for the examination in question, vide the said letter dated 11.5.2002 (Annexure-2), was communicated to him. In any case this order was passed about three years after the examination was held. It appears from the admit card (Annexure 2) that the petitioner was born on 25.1.1984. Result of the examination held in July 2000 has not been published till date. I fail in my words to describe the arbitrary and callous approach adopted by respondent No. 2 in his said communication dated 14.2.2005 (Annexure-C), which verges on perversity. The common perception gaining ground that the bureaucracy has trained itself in finding out all the wrong ways and means to defeat the legitimate claims of the citizens could not have been better illustrated. In order to serve the people and in order to justify his position in the Government, he should lean to think and act in a more positive, rational and responsible manner. How does respondent No. 2 and the State Government propose to compensate him for the loss of nearly five years at such a critical juncture of his life. Taking such an irrational and arbitrary approach against a

young person like the petitioner deserves the strongest disapproval. If the State Government is serious about the business of governance and welfare of its citizens, it must tame such irresponsible functionaries as respondent No. 2, and hold them accountable for their wrong acts like the impugned action. I record my extreme displeasure over the conduct of respondent No. 2. The State Government is hereby directed as follows :--

(i) Publish the petitioner's result forthwith and ensure the follow-up action in accordance with law.

(ii) Enquire and find out the reasons for the delay in passing the impugned order and fixing the responsibility for the same.

(iii) Appropriate action against respondent No. 2 for passing such an irrational and arbitrary order dated 14.2.2005 (Annexure-C).

(iv) Adequate compensation to the petitioner for the irrational and belated decision, may be by providing him a suitable job if he passes the examination.

6. This writ petition is allowed with costs of this writ petition quantified at Rs. 5000/- (five thousand) which shall be paid by the signatory of Annexure-C) from his personal pocket to the petitioner within a period of eight weeks. The order dated 11.5.2002 (Annexure-D), in so far as it concerns the petitioner, is hereby set aside.

7. Let copies of this order be forwarded to the Advocate General and the Chief Secretary of the State Government to be placed before the Governor of Bihar for appropriate action.

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