

Sunil Kumar Das Vs. Bihar School Examination Board and anr.

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Court : Jharkhand

Decided On : Jul-23-2001

Reported in : 2002(50)BLJR330

Judge : S.J. Mukhopadhaya, J.

Appeal No. : CWJC Nos. 1358 of 1999 (R) and 2213 of 2000 (R)

Appellant : Sunil Kumar Das

Respondent : Bihar School Examination Board and anr.

Advocate for Def. : Amareshwar Sahay, Adv.

Advocate for Pet/Ap. : M.M. Pan, Adv.

Disposition : Petition disposed of

Judgement :

ORDER

S.J. Mukhopadhaya, J.

1. In both the cases as common prayer made for publication of result of primary teachers training examination, they were heard together and are being disposed of by this common order.

2. The petitioner Sunil Kumar Das of CWJC No. 1358, 1999 (R) was a regular student of SPG Mission Primary Teachers Training College, (Male), Ranchi and stated to have completed study for the session 1991-93. He having found eligible was also allowed to appear in the Primary Teachers' Training Examination held from 2nd August, 1994 by the Bihar School Examination Board, Patna.

3. So far as petitioner Miss Nimunti Soy and others of CWJC 2213/2000 (R) are concerned, according to them, they were also regular student of SPG Mission Primary Teachers Training College, (Male), Ranchi and completed studies for the session 1991-93 and 1992-94. They being eligible and suitable were also allowed to appear in the Primary Teachers Training Examination held since 2nd August, 1994, conducted by the Bihar School Examination Board, Patna.

4. The grievance of the petitioners of both the writ petitions is that the respondents have not published their result inspite of the repeated requests, though the result of students, appeared from similarly situated Colleges, have been published.

5. A counter-affidavit has been filed on behalf of the Bihar School Examination Board in CWJC No. 2213/2000 R. It is stated that the SPG Mission Primary Teachers Training College, (Male), Ranchi were allotted Roll Code 1107 for appearance of the students in the Primary Teachers' Training Examination for the sessions 1991-93 and 1992-94. The examination was held from 2nd August, 1994, conducted along with the students of the sessions 1989-91 to 1992-94, has also not been disputed. The main plea taken that the Government of Bihar vide memo No. 102, dated 13th June, 1998 circulated a communique published in the newspaper by the Department of Primary, Secondary and Mass Education in which the name of SPG Mission Primary Teachers Training College (Male), Ranchi was shown as de-recognised institution, the recognition having withdrawn.

6. From bare perusal of letter No. 102, dated 13th June, 1998 it will be evident that a copy of press communique published in the newspaper on 8th January, 1994 was circulated. The result of the students appeared from the de-recognised institution were withheld. In the press communique, dated 8th January, 1994, the name of SPG Mission Primary Teachers Training College (Male), Ranchi was shown at serial No. 68 and it was shown that the recognition have been cancelled

vide letter No. 208, dated 15th April, 1993.

7. From the stand taken by the respondents it will be evident that the institution in question remain recognised till 15th April, 1993. Such recognition having not cancelled from retrospective date. There appears to be no difficulty for the respondents to publish result of the students completed their sessions prior to 15th April, 1993, though examination held later on because of inaction on the part of the Board.

8. So far as students whose sessions completed after 15th April, 1993 or those who have been admitted after 15th April. 1993, they have been studied from a de-recognised institution, there is no justification to publish the result of such students.

9. Having regard to the facts and circumstances, the students who completed the course in the session 1991-93, they having completed studies from a recognised institution, the respondents cannot refuse to publish the result.

10. Accordingly, I direct the respondents to publish the result of students who appeared in the Teachers Training Examination from SPG Mission Primary Teachers Training College, (Male), Ranchi having completed studies in the session 1991-93 within one month from the date of receipt/production of a copy of this order.

11. So far as the students, who completed studie for the sessions 1992-94, are concerned, no such relief can be granted.

12. Both the writ petitions stand disposed of with the aforesaid observations anddirections.

13. Petitions disposed of.