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Arvind Kumar Vs. State of Jharkhand and ors.

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Court : Jharkhand

Decided On : Feb-22-2006

Reported in : [2006(4)JCR594(Jhr)]

Judge : S.J. Mukhopadhaya, J.

Appellant : Arvind Kumar

Respondent : State of Jharkhand and ors.

Judgement :
ORDER

S.J. Mukhopadhaya, J.

1. The petitioner applied for appointment to the post of Primary Trained Teacher, in pursuance of an Advertisement, published by Jharkhand Public Service Commission in the year 2002. He was allowed to appear in the written test with Roll No. 010211200693.

2. According to the petitioner, though he appeared in the written test, held on 27th May, 2003 and was declared successful, the respondents have not issued letter of appointment in his favour, though several others, whose names have been recommended, have already been appointed.

3. The petitioner was allowed time to file supplementary affidavit, stating therein, as to whether he had passed the Teachers Training Examination from an Institute, recognized by National Council of Teachers Education or by a University/Board. In the supplementary affidavit, while the petitioner has enclosed a copy of the College Leaving Certificate and mark-sheet, has stated that he has passed Teachers Training Examination, held in the year 1994, conducted by the Bihar School Examination Board. Copy of the marksheet, issued on 31st January, 1996, has boon enclosed as Annexure-4 to the supplementary affidavit. From Annexure-3, it appears that the petitioner was a student of Primary Teachers Training College, Sherghat, District Gaya for the Session 1989 1991, mark-sheet of which was issued on 31st January, 1996. The period during which the petitioner completed the study, there was no requirement of recommendation by NCTE, the Act having not come into effect. Further, if the mark-sheet has been issued by the Bihar School Examination Board, statutory authority, it is not clear as to why no letter of appointment has been issued in favour of the petitioner.

4. Though the writ petition was filed on 22nd September, 2005, after serving a copy on (he learned Counsel for the respondents no counter-affidavit has been tiled till date.

5. In the facts and circumstances, the case is remitted with a direction to the District Superintendent of Education, Giridih to decide the claim and to pass appropriate order within one month from the date of receipt/production of a copy of this order. If the petitioner has been declared successful and has passed Teachers Training Examination, conducted by the Bihar School Examination Board, the respondent will issue appropriate letter of appointment, if there is no other impediment. The case of the petitioner can not be rejected on some wrong ground but it will be open to the respondent to give valid ground for rejection.

6. The writ petition stands disposed of with the Aforesaid observations and directions.

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