



No. of
Order

of
Order

Order with Signature

Office Note as to
action (if any)
taken on Order

04.

02.04.2008

Present: Mr. A. Moulik, Senior Advocate with Mr. N. G. Sherpa, Advocate for the Petitioners.

Mr. J. B. Pradhan, Government Advocate for the State-Respondent Nos. 1 to 4.

Mr. N. Rai and Ms. Jyoti Kharga, Advocates for Respondent No.48.

This is a writ petition filed by three petitioners and today is the date of admission. The case of the writ petitioners is opposed by the State as the petition is being moved on notice. The writ petitioners were aspirants for the posts of graduate teachers. Advertisement was issued in 2006 and in the selection process the writ petitioners participated without any protest but they were all unsuccessful.

A point is now taken that there were two advertisements issued and the first on 16-12-2006 provided that the candidates would have to have B.Ed. qualification. A later Notification relaxed it and made the condition this, that candidates could apply without B.Ed. and their case would be considered but if they got selected they would have to get the B.Ed. qualification within five years of their appointment. It is submitted that this relaxation is against a Notification of 2006 (annexed to the writ petition). The State Government points out that there is an amended Notification of 2007, whereby, both for graduate and primary teaches, amendments



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were made exactly in line with the relaxed second advertisement.

This main point in the writ petition therefore fails. The Court is never sympathetic with a failed candidate who comes with law points after taking the examination and failing, and who would have raised no grievance had he or she been selected in the process. Several other points were attempted to be argued on behalf of the writ petitioners, but these have no foundation in the writ petition as drafted. Allowing the filing of such a writ petition as the present one will encourage litigiousness, which the Courts of India cannot afford, in the present state of flood of litigation. The writ petition is not admitted and is dismissed *in limine*.

(A. N. Ray, C.J.)

(A. P. Subba, J.)