



Order

Order

Order with Signature

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

05.

10.04.2008

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 3.

This is a writ petition at the instance of two petitioners, namely, Ms. Aroona Pradhan and Ms. Indira Sharma, who were prospective candidates for the posts of Primary Teachers in the State.

The first advertisement dated 16-12-2006 was for 55 posts but thereafter on 26-04-2007 another advertisement raised the number of posts to be filled up to 71. As such, the point taken in the additional affidavit that an excess number of posts was filled up does not survive. The learned counsel appearing for the writ petitioners has examined the later copy Notification in Court which was supplied on counsel to counsel basis in the Court room.


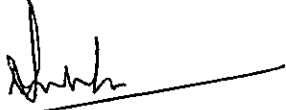
Another point raised was that three particular candidates had only one year training from the District Institute of Education and Training, i.e., DIET but the required training was for two years as was advertised.

It is clarified that the requirement for two years was raised to two from one only from June, 2003 and these three candidates had already finished their training before June, 2003. Naturally they cannot again be admitted for training. Moreover, the writ petitioners do not have any training themselves at all.



Order No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
		<p>Several other points were attempted to be raised, like enquiring whether there has been appropriate allocation of marks, whether there has been appropriate carry forward of vacancies and such like.</p> <p>The writ petitioners labour under the impression that any or every failed candidate for Government service has the right to come to Court and ask questions about each and every particular regarding proper conduct and fair assessment of the candidates in any written examination or viva voce. They are under the further impression that if it is done by way of a formal writ petition filed in Court, the Court, almost as a matter of course, calls for affidavits from the State and examines whether each and every thing is proper or not.</p> <p>This is a completely wrong impression of the law and practice of the writ Court. It is for the petitioner, by whatever means available to him, to bring before the Court sufficient facts and circumstances which will persuade the Court on a reasonable basis to make an enquiry on the selection process after a <i>prima facie</i> assessment is made by it that such an examination is called for in the interest of fairness and justice. Such feeling of the Court to enter into the matter more deeply and to scrutinise the issue must be more than mere suspicion or conjecture. An enquiry has to be called for on the basis of cogent evidence, documents or circumstances as the case might be. In the instant case, the questions raised are many but the factual and circumstantial grounds for persuading the Court</p>	



Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
		<p data-bbox="293 338 1187 562">to issue the Rule <i>Nisi</i> are nil. As such, although the Court has every sympathy for every failed candidates in this land of unemployment, the writ petition is dismissed <i>in limine</i> without any order as to costs.</p> <p data-bbox="735 604 1032 738"> (A. N. Ray, C.J.)</p> <p data-bbox="735 738 1032 891"> (A. P. Subba, J.)</p>	