

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4401 of 2015

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Pankaj Kumar son of Sant Kumar Singh, resident of Village - Mazalishpur, P.O. - Gokhula, P.S. - Biddupur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The Deputy Development Commissioner-Cum-Chief Executive Officer, Vaishali.
5. The District Programme Officer, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Respondent/s : Mrs. NIVEDITA NIRVIKAR, GA 10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-05-2015

Employment is required to be made by the employer within the parameters and the object for which such employment is being provided. It cannot be the case of the petitioner that merely because respondent authorities have by omission or oversight permitted the petitioner to appear in the Teachers Eligibility Test, which he has passed, he acquires a right for selection and appointment on the post of Social Science Teacher.

2. On the surface, the submission of the counsel for the petitioner looks attractive, in the sense that he did apply and sit in the examination conducted for selection of eligible candidates for Middle and High School on the basis of Teachers Eligibility Test but then when a person applies to sit in the examination, there is an obligation upon him to be satisfied that he is otherwise eligible or not to apply. Merely applying does not create right in his favour.

3. The guidelines or the rules do lay down as to what should be the

combination of subject which a candidate must have to be eligible to become a Social Science Teacher. For the post of Social Science Teacher the combination of subjects are confined to History, Economics, Geography and Political Science only and out of the above History and Geography were compulsory papers.

4. Admitted position is that the petitioner has done his graduation in History, Psychology and Sociology. Since two subjects i.e. Psychology and Sociology are not within the parameters of the guidelines, the degree obtained by the petitioner is of no avail at least for the use of respondent State authorities as Psychology and Sociology is not part of curriculum.

5. If this be the position, then no right accrues in favour of the petitioner for being appointed as a teacher. Rejection of the claim of the petitioner which is emerging from Annexure-7 seems to be for a rightful reason and not for any extraneous reasons.

6. Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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