

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5640 of 2015

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1. Rajesh Kumar Pandey son of Sri Bhubnesh Pandey, resident of village + P.O. Bherokhara, P.S. Tajpur, Dist- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Samastipur.
2. The District Education Officer, Samastipur.
3. The District Program Officer S.S.A (Sarva Siksha Abhiyan) Samastipur.
4. The Principal, Primary Teachers Training College. cum- District Institution of Education and Training, Pusa, Samastipur.
5. The Block Education officer, Tajpur, Dist- Samastipur. null null
6. The Block Development officer, Tajpur, Dist- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey

For the Respondent/s : Mr. ASHOK PRIYADARSHI- GA4

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 10-07-2015

10.07.2015

Heard learned counsel for the parties.

Petitioner approached the High Court when the respondent authorities decided to remove him from the post of Cluster Resources Centre Coordinator. In the writ application he alleged that his removal and appointment of yet another person has been done for extraneous reasons and the right of the petitioner cannot be defeated arbitrarily.

At the very outset it is made clear that such selections are not substantive selection. The substantive post of such persons so selected to work in the capacity as a coordinator is that of an Assistant Teacher. Looking

at the pool of talent and capability people are selected to augment the quality of the teachers in a cluster, therefore, it is not a substantive appointment or a post to which a petitioner can claim a matter of right.

Despite above fact and legal position, the Court directed the State counsel to file a counter affidavit because certain allegations were made against the respondents trying to make out a case of arbitrary removal whatever be the circumstances under which the petitioner came to be selected.

In the counter affidavit filed on behalf of the State they have annexed documents, which certify the position that the selection of the petitioner seems to be a stop gap arrangement. In absence of regular selection and it is that stop gap arrangement which was now rectified by regular selection after due advertisement of which petitioner is making grievance of.

If this is the position then obviously the petitioner feels that he may have been discriminated but the reality is that he never had a right to hang on the position which he claims.

So far as the petitioner's degrees and educational qualification is concerned, this Court can only wish him luck that he has to where with all to utilize

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such degrees for enhancement of his future prospect.

Writ application is otherwise dismissed. If the petitioner fulfills the requirement for regular selection his case will surely be considered as is the stand of the State as well.

(Ajay Kumar Tripathi, J.)

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