

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2557 of 2015

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Nisar Ahmad Ansari son of late Md. Abbas Ansari, resident of Village and P.S- Andhara Thadhi, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar. Patna.
3. The Director, Research and Training Directorate, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The District Education Officer, Madhubani
6. The District Programme Officer, Madhubani District Education Project, Madhubani.
7. The Block Education Officer, Babubarahi Block, Madhubani.
8. Principal , District Institute of Educaion and Training (DIET), Narar, Madhubani.
9. Md. Sabbir Akhtar son of Abdul Hamid, resident of Village - Babu Barhi, P.S Babubarhi, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav
For the Respondent State:		Mr. Ram Nandan Prasad, SC 9
		Mr. Gopal Krishna, AC to SC 9
		Mr. Rakesh Prabhat, AC to SC 9
For the Education Project:		Mr. Girijish Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 22-04-2015

Petitioner filed the writ application when the respondent authorities cancelled his engagement as a Block Resource Centre Coordinator in Language subject in Babubarhi Block of Madhubani district. He is also aggrieved by selection of yet another person on the said post when there was no vacancy.

2. Respondent authorities were directed to file counter

affidavit explaining the circumstances under which the above decision was taken contrary to the interest of the petitioner.

3. From the perusal of the counter affidavit one thing is evident that the selection as a Block Resource Centre Coordinator is an engagement in addition to the substantive post which the petitioner holds as an Assistant Teacher. It is not an appointment to the post.

4. Respondents further submit that when selection was made on the basis of the people who responded to the advertisement, petitioner's name was found at serial No. 7 in the merit list. The person at serial No.1 in the merit list namely, Md. Sabbir Akhtar made a complaint against the selection of the present petitioner. Matter was examined at the highest level and a direction was issued to do the needful.

5. The selection of the petitioner in the very first place by ignoring the merit position of others was arbitrary. If he was a beneficiary of an arbitrary, irrational decision, ignoring the claim of certain other meritorious persons, then he cannot make a grievance if the decision of the respondents only restores the faith in the selection process by selecting the person who was at the top of the selection list.

6. The background and the details under which such decision came to be taken is evident from para 8 onwards of the

counter affidavit.

7. In view of the fact that these are not substantive appointments on a permanent post but are selection made from the pool of talent of Assistant Teachers to enhance the human resource of the teachers of certain areas, excessive inference by the Court in such matter is also detrimental to the object and purpose of such selection.

8. There being no arbitrariness, per say, in the decision taken by the respondents, writ application is dismissed.

(Ajay Kumar Tripathi, J)

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