

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1705 of 2014

In
Civil Writ Jurisdiction Case No. 692 of 2013

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1. Punam Kumari W/o Ramkishore Sah, Residing at Vill- Premnagar, P.O. AND P.S. Runi Saidpur, District- Sitamarhi.
 2. Saroj Kumar, W/o Bhikhari Das, Residing at Vill. - Lagma, P.O. AND P.S. - Dumra, District- Sitamarhi.
 3. Manju Kumari, W/o Mahesh Sah, Residing at Vill- Premnagar, P.O. AND P.S. Runi Saidpur, District- Sitamarhi.
 4. Santosh Kumar S/o Surendra Thakur resident of village Dhanushi, P.O. Dhanushi, P.S. Runi Saidpur, District- Sitamarhi
 5. Umesh Kumar, Son of Late Vishundeo Singh, Resident of village Karadwana Koriaha, P.O. Karadwana, P.S. Sursand, District- Sitamarhi
 6. Alok Kumar, Son of Mahadev Paswan, resident of village- Karadwana Koriaha, P.O. Karadwana, P.S. Sursand, District- Sitamarhi
 7. Girish Kumar, Son of Sri Harishchandra Singh, resident of village Karadwana Koriaha, P.O. Karadwana, P.S. Sursand, District- Sitamarhi

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
3. The Director, Primary Education, Human Resources Development Department, Government of Bihar, Patna null null
4. The District Education Officer, Sitamarhi null null

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nikhil Kumar Agrawal
For the Respondent/s : Mr. Manoj Kumar Ambastha G.P.-XIV
Mr. Subodh Kumar A.C. to G.P.-XIV

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 28-04-2015

The writ petitioners filed C.W.J.C. No. 692 of

2013. The same was dismissed by the learned Single Judge on

16.01.2014. Feeling aggrieved by the order of the writ petition,

the petitioners filed this appeal.

Heard learned counsel for the appellants.

The Government issued notification for filling up the posts of teachers in the Sitamarhi district in the year 2008. The petitioners and large number of others applied for the post and appeared in the written test. Ultimately the selection for appointment was made in the 2010. The petitioners were not selected on account of their position being low in the merit list. Thereafter the procedure for appointment of Prakhanda teachers was amended and new rule came into force in the year 2012. Appointments were also made in accordance with the new rules. The petitioners filed writ petition with a prayer to direct the respondents to consider their cases for appointment against the left over vacancies in the year 2010, on the basis of their rank in the test conducted at that time. The learned Single Judge did not accede to the request of the petitioners and dismissed the writ petition.

In case the petitioners were not selected and appointed against the left over vacancies in the year 2010 they were expected to work out their remedies at that time itself. The selection process that was initiated in the year 2008, come to an end in the year 2010. Even if there was any left over panel for

appointment of teachers that would also have lapsed with the passage of time. Moreover the new rule came into force in the year 2012 and selection and appointment of teachers was in accordance with the same was done. Under these circumstances the question of resuming the selection for the advertisement in 2008 does not arise. We do not find any basis to grant relief to the appellants. The appeal is dismissed.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

M.Rahman/-

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