

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10926 of 2015

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1. Dr. Sunil Kumar, S/o- Sri Radheshwar Das, Resident at R.I. Birauli Samastipur, Posted as Lecturer in Rural Institute, Birauli, Samastipur.
 2. Laxmi Mahto, S/o- Visheshwar Mahto, Lecturer in, Rural Institute, Birauli, Samastipur.

.... Petitioner/s

Versus

1. The Principal Secretary, Dept. of Education, Govt. of Bihar, Vikash Bhawan, New Secretariat, Patna-800015.
2. The Chairman Governing Body, Rural Institute, Birauli, Samastipur & Dept. of Education, Govt of Bihar, Vikash Bhawan, New Secretariat, Patna- 800015.
3. The Secretary, Dept. of Education, Govt of Bihar, Vikash Bhawan, New Secretariat, Patna- 800015.
4. The Director (Higher Education), Dept. of Education, Govt of Bihar, Vikash Bhawan, New Secretariat, Patna- 800015.
5. The Acting Director, Rural Institute Birauli, P.O.- Birauli, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Prasad Sinha
For the Respondent State: Mr. ASHOK KUMAR CHOUDHARY- AAG13
Ms. Reema Kumar, AC to AAG 13
For Respondent No.5 : Mr. Shashi Bhushan Singh.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-08-2015

Since this Court has certain trust and faith on the Principal Secretary, Department of Education, Government of Bihar, therefore, the various grievances raised by the two petitioners as well as the manner in which the short-listing of candidates have been done for appointment on the post of Director, Rural Institute Birauli at Samastipur, are required to be looked into at his level.

2. Counsel for the petitioners submits that people who have been short-listed clearly stand disqualified because they have not



annexed their educational certificates, which was required to be done in terms of Annexure-1. Quite a few candidates including the two petitioners fulfil the requirements but they have been ousted from the zone of consideration of recommended candidates. Some of the candidates, in fact, so short-listed or recommended, do not have the eligibility. He further goes to the extent of saying that recommendation made by the committee does not carry the signature of either the Principal Secretary or the Director, Department of Education, much less the 3rd Member who is supposed to be a teacher in Veer Kunwar Singh University.

3. If this Institution carries some prestige and the State of Bihar is serious in recommending and appointing a competent person to ensure smooth running of the institute, then a close look and monitoring at the level of the Principal Secretary is required to be made.

4. The Court also gives liberty to the petitioners to point out outer infirmities as well by filing a detailed application before the Principal Secretary, Department of Education, Government of Bihar.

5. After reviewing the situation and going through the records, an appropriate decision should be taken. No appointment on the basis of the recommendation or short-listing will be done till the Principal Secretary takes a decision on the controversy.

6. Writ application is disposed of with above direction.



R.K.Pathak/-

(Ajay Kumar Tripathi, J)

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