

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21838 of 2011

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Savita Devi W/O Shri Ram Shresth Rai R/O Village Chamtha, P.S.
Bachwara, District Begusarai.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Human Resource Development Department, Government Of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The District Education Officer, Begusarai.
4. The Block Development Officer Cum Executive Officer, Panchayat Samiti, Bachwara.
5. The District Teachers Employment Appellate Tribunal, Begusarai.
6. Pramod Kumar Yadav S/O Shri Dularu Yadav R/O Village Bandwar (Neema Chandpura), District Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Adv

For the Respondent/s : Mr. Kumar Sachin GP24

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 09-09-2015 Heard learned counsel for the parties.

2. The prayer of the petitioner in this writ application reads as follows:-

“setting aside and quashing the order dated 13.09.2011, passed by Shri Nagendra Nath Chaudhry, Member, District Teachers Employment Appellate Tribunal, Begusarai in Case No. 04/2011, by which appointment of the petitioner as Block Teacher in the Bachwara Block under the Visually Handicapped Category has been declared to be illegal and by which order it has been directed to appoint the Respondent no. 6 in place of the petitioner, directing the respondent authorities to allow the petitioner to continue to work as Block Teacher; stay on the order dated 13.09.2011 until the disposal of the instant writ application.”

3. Learned counsel for the petitioner at the outset has submitted that this writ application should be



disposed of in terms of the order dated 20.11.2014, C.W.J.C No. 8567 of 2012 (Suman Kumari vs State of Bihar & Ors) and for making such submission, learned counsel for the petitioner has submitted that as this Court has in the case of Suman Kumari (supra) set aside the order of the appellate authority while remitting the matter back for examining the plea of physical disability of Suman Kumari vis a vis Rambha Singh, the impugned order passed in the case of the petitioner should also be set aside and the matter should be remitted back to the appellate authority for consideration of the case of the petitioner along with case of respondent no. 6, Pramod Kumar Yadav as well as Suman Kumari and Rambha Singh, all of whom had been claiming appointment for the post of Prakhanda Teacher on the basis of their being physically disabled.

4. On a close perusal of the records, it would be found that the appointment of the petitioner on the post of Prakhanda Teacher was assailed by Pramod Yadav on the ground that he had higher marks than the petitioner.



The Tribunal had arrived at a finding that Pramod Kumar Yadav and the petitioner, both were claiming appointment on the post of their being physically disabled and since both of them were claiming to be handicapped by vision and Pramod Kumar Yadav had higher marks than the petitioner, the denial of the appointment of Pramod Kumar Yadav and appointment of petitioner was bad.

5. As against the case of the petitioner, vis a vis Pramod Kumar Yadav, what has been decided by this Court in the case of Suman Kumari (supra) is in relation to only Rambha Singh. Whatever directions in fact has been given after setting aside the order in favour of Rambha Singh, while remitting the matter of Suman Kumari, in the order dated 20.11.2014, the merit list in the case of Suman Kumari (supra) will not support the cause of the petitioner of this case. Rambha Singh had 64.11 merit points, Suman Kumari has 62.67 merit points, Pramod Kumar Yadav has 61.22 merit points and Sabita Kumari (petitioner) had only 61.00 merit points.



Thus, if the appointment of Rambha singh was assailed by Suman Kumari, a physically handicapped candidate that in no way would affect the case of the petitioner because for the post of visually handicapped either Rambha Singh or Suman Kumari, was to be selected. In fact, the scope of remand of the order of this Court in the case of Suman Kumari (supra) can be confined to that extent only. The appointment of the petitioner in fact was set aside by the appellate authority on a complaint made by Pramod Kumar Yadav and therefore, when that issue has not been remitted in the case of Suman Kumari (supra), this Court would not find any reason to either set aside the order in the case of the petitioner or remit the matter back to the Tribunal. This Court in fact find no error in the order of the Tribunal, so far it relates to the case of the petitioner vis a vis Pramod Kumar Yadav.

6. Thus, while this Court would not allow the prayer of the petitioner for disposal of the present writ application in terms of the order dated 20.11.2014

passed in C.W.J.C No. 8567 of 2012 (Suman Kumari vs the State of Bihar & Ors), it can only give liberty to the petitioner to approach the Tribunal for seeking intervention in the case of Suman Kumari (supra), if it is still pending before the appellate authority (Tribunal).

7. With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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