

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3588 of 2015

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1. Meera Kumari wife of Shri Sanjay Kumar Mishra, Resident of Village- Sarari Belash Tola, P.O.- Sarai Belash Tola, P.S.- Goreakothi, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Siwan
3. The District Programme Officer, Siwan
4. The Block Education Officer, Siwan
5. Smt. Siya Devi, Wife of Sri Parshuram Mahto, Mukhiya of Gram Panchayat Raj, Dakshmi Sarari, Goreakothi, Siwan
6. The Headmaster Upgraded Middle School, Nonia Tola, Goreakothi, Siwan
7. Kumari Punam, Wife of Rajkumar, Resident of Village- Sarari, P.O.- Mustafabad, P.S.- Goreakothi, District- Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Respondent/s: Mr. M.K. SINHA- SC1

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 10-04-2015

A K Tripathi, J. Various grievances and allegations have been made with regard to selection of the private respondent on the post of what is known as *Prerak*, which is not a permanent government post under the State. It is a contractual engagement for a limited period and time under the scheme of things initiated by the Education Department under National Saksharta Mission.

2. Paragraph 6 and 7 of the counter affidavit, filed on behalf of the respondents, is a complete answer to the reason why private respondent was selected over and above the petitioner.

3. The contention of the counsel for the petitioner is that there is no indication of this kind of parameters in the guidelines and therefore, the same cannot be a yardstick for such selection.

4. With due respect, weightage is given to people for better marks and higher qualification. The same cannot be irrational or arbitrary.

5. Judicial scrutiny under Article 226 of the Constitution of India with regard to such appointment is limited to Article 14 alone and not even Article 16 of the Constitution of India.

6. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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