

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.21540 of 2013**

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1. Daxmi Kant Mandal Son of Horil Mandal, Resident of Village + P.O. Abhiya Bazar, P.S. Gopalpur, Distirct Bhagalpur (Deleted vide Court's order)
  2. Anita Kumari Wife of Praveen Kumar, Resident of Village + P.O. Rangra, P.S. Rangra, District Bhagalapur

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Primary Education, Department of Education, Government of Bihar, Patna
4. The District Programme Officer, Bhagalpur
5. The District Education Officer, Bhagalpur
6. Manoj Paswan son of Kailash Paswan, Resident of Village Parbatta, P .S. Parbatta, District Bhagalpur
7. Ran Vijay Kumar Son of Bhudeo Mandal, Resident of Village Meghal Tola, P.O. + P.S. Ismailpur, District Bhagalpur

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr Tej Bahadur Singh, Sr. Advocate  
Mr. Brisketu Sharan Pandey  
For the State : Mrs. Nivedita Nirvikar, GA 10  
For the Private Respondent : Mr Ganpati Trivedi, Sr. Advocate  
Mr Manoj Kumar Jha

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

ORAL JUDGMENT

**Date: 28-01-2015**

Counsel for the petitioners does not press the writ petition on behalf of petitioner no.1. Petitioner no.1 is deleted. Writ is confined to petitioner no.2.

Learned senior counsel has rightly attacked the decision dated 25.9.2013 of the Teachers Employment Appellate Authority passed in Appeal No.82 of 2010 on the law, which has been laid down by a Division Bench of this Court in the case of *Chhotelal Chaudhary vs. the State of Bihar, reported in 2014 (3) PLJR 606.*

In view of the ratio laid down by the Division Bench, weightage of 20% cannot be given to the private respondents, which was held to be correct even by the Teachers Employment Appellate Authority, Bhagalpur. It is addition of 20 marks and not 20%. Even otherwise by grant of about 2. odd% of marks private respondentno.6 does not add up to more marks than the present petitioner, therefore, any direction issued by the Tribunal to consider the private respondents is totally uncalled for.

The impugned order insofar as it relates to the present petitioner is hereby quashed. Writ application is allowed.

**(Ajay Kumar Tripathi, J)**

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