

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1860 of 2013

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1. Sangita Kumari D/O Late Nageshwar Thakur, W/O Birendra Thakur Resident Of Village Raghapur, P.O.- Raghapur, P.S.- Jurawanpur, District- Vaishali Pin- 844508

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Commissioner-Cum Secretary, Human Resources Research Department, Bihar Patna P.O.- G.P.O. Patna P.S.- Secretariate Distt.- Patna, Pin- 800001
2. District Magistrate, Vaishali, Hajipur, P.O.- Hajipur, P.S.- Hajipur Town, Distt. Vaishali, Pin- 844101
3. District Teachers Appointment Appellate Authority Vaishali At Hajipur Through Member, District Teachers Appointment Appellate Authority Vaishali, P.O.- Hajipur, P.S.- Hajipur, Distt.- Vaishali Pin- 844101
4. District Superintendent Of Education, Vaishali, P.O.- Hajipur, P.S.- Hajipur Town, Distt. Vaishali, Pin- 844101
5. Block Education Extension Officer Raghapur, Distt.- Vaishali P.O.- Raghapur, P.S.- Raghapur, Distt.- Vaishali Pin- 844508
6. Mukhiya-Cum-Adhayaksh Niyojan Samiti, P.S.- Raghapur, P.O.- Chandpura, Distt. Vaishali, Pin- 844508
7. Panchayat Secretary, Chandpura Panchayat Vaishali, P.S.- Raghapur, P.O.- Chandpura, Distt.- Vaishali Pin- 844508
8. Vibha Kumari Daughter Arun Gaurav Village Hariharpur, P.O.- Rajoli, District- Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RUDAL PRASAD

For the Respondent/s : Mr. S.S. SHABBAR HUSSAIN GP4

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-08-2015

28.08.2015

Heard learned counsel for the parties.

The whole argument of the petitioner is based on a fallacy that she has more marks in terms of percentage than the private-respondent, who had been appointed by the Gram Panchayat as a Panchayat Teacher. The prayer of the petitioner, therefore, for a direction for appointment has to be tested on the

parameters of fact and the principles already decided in this regard.

Admitted position is that the petitioner is supposed to have 59.22 per cent of marks in Intermediate. She claims benefit of 20 per cent over and above the Intermediate percentage because she has experience of imparting non-formal education and therefore according to her she is entitled to 20 per cent weightage and that makes her more meritorious than the private-respondent, who only have 63 per cent of marks.

The basic fallacy in the submission of the counsel for the petitioner stands established by what a Division Bench has already decided in the case of ***Chhotelal Chaudhary Versus the State of Bihar, reported in 2014 (3) P.L.J.R. 606***. The Division Bench clearly laid down that weightage of 20 marks has to be given to a candidate with such experience and not 20 per cent weightage. If 20 marks is added to the marks of the petitioner to what she has in Intermediate, she does not go over and above the percent of marks obtained by the private-respondent.

The whole argument, therefore, is fallacious and the claim of the petitioner is based, contrary to the ratio of the Division Bench laid down in case of Chhotelal



Chaudhary (supra).

No relief, therefore, can be granted to the petitioner in the above-stated circumstances.

Writ application is dismissed, accordingly.

(Ajay Kumar Tripathi, J.)

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