

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5412 of 2014

1. Madhukant Prasad Son Of Madan Mohan Prasad Resident Of Village +
P.O.- Chhatneshwar, Police Station- Varisnagar, District- Samastipur

.... Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The Principal Secretary, Human Resources Department Department,
Government Of Bihar, Patna
- 3. The District Education Officer, Samastipur
- 4. The District Programme Officer, Samastipur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Jagannath Singh
For the Respondent/s : Mr. Zaki HaidarA.C. to G.A.6

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI

ORAL ORDER

3 19-01-2015 No direction can be issued in favour of the petitioner for his participation and selection on the post of a teacher merely because he was allowed to pass BSITET-2011 examination.

In terms of the advertisement even holders of graduate decree were permitted to participate and qualify but when it comes to appointment, the respondent-authorities have issued a

notification clarifying the position as to how and who can be appointed with the kind of qualification or the degree which the person has to possess.

The petitioner is a claimant for appointment as a Social Science teacher. He is a graduate in Psychology; none of the papers like History, Economics, Geography or Political Science are the streams in which the petitioner had pursued his education. Such teachers are expected to teach the subjects mentioned above as a teacher. Since there is no post available for Psychology teacher, nor is there any sanction, then obviously merely because the petitioner was permitted to participate and he has passed the eligibility test, it does not mean that he has acquired a right for appointment as well, if the object and purpose of appointment is not served by the qualification or the degree which the petitioner possesses.

In view of the stand indicated by the State in the above terms specially keeping in mind the Notification(Annexure-A to the counter-affidavit dated 7th July, 2012), no relief in favour of the petitioner can be granted. The writ application is dismissed being devoid of merit.

B.Roy/-

(Ajay Kumar Tripathi, J)

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