

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17405 of 2014

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1. Ravi Shankar Kumar S/o Late Sukhdeo Rai Resident of Village Pachrukhi, P.O. +
P.S. Dandari, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Education Officer, Begusarai.
4. The District Programme Officer (Establishment), Begusarai.
5. The Sub-Divisional Officer, Balia, District Begusarai.
6. The Block Development Officer, Dandari, District Begusarai.
7. The Block Education Officer, Dandari, District Begusarai.
8. The Mukhiya, Gram Panchayat Raj Bank, Block Dandari, District Begusarai.
9. The Panchayat Secretary, Gram Panchayat Raj Bank, Block Dandari, District
Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Sanjay Prasad, AC to AAG 4

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-11-2016

Petitioner has been fighting a legal battle for appointment as a Panchayat Teacher. His earlier effort in this regard having failed at the level of the Tribunal compelled him to move the High Court in writ jurisdiction. The decision of the learned Single Judge in the previous writ is Annexure-9 dated 18.9.2012. Matter was referred to the Principal Secretary, Department of Education to take a call on the status of the petitioner because according to him, he was a successful candidate and even counselling was held but for one reason or the other appointment did not go through.

Annexure- 12 is the order passed by the Principal Secretary and is dated 26.3.2013. It is clear from reading of the said

order that the previous counselling was ordered to be cancelled because of many infirmities which emerged in the enquiry and that is the reason no appointments were made despite the counselling.

Thereafter, since the vacancies remained and no appointment could be made in this background, the vacancies got carried over. The process of such selection and requirement has undergone a change and any appointment now is required to be made only from the pool of Teacher Eligibility Test qualifiers.

Petitioner's battle has gone in vain in the above background. Merely because he carried a legal battle for more years, the facts cannot change. Since the rule has undergone a change, the non-existing vacancy now cannot be filled up by issuing a mandamus upon the respondents to do so.

Since the order of the Principal Secretary does not suffer from any infirmity or irrationality, Annexure- 12 is not required to be interfered with.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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