

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.690 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1724 of 2014**

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Dr. Amit Kumar, son of Sri Lal Kisun Paswan, Resident of village- Bajitpur, P.O. Kalyanpur, P.S. Pipra, via- Punpun. District- Patna.

.... Petitioner-Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Human Resources Development, Govt. of India, New Delhi.
2. The Secretary Ministry of Human Resources Development, Govt. of India.
3. The University Grants Commission Ferozashah Road, New Delhi, through its Secretary, New Delhi.
4. The Joint Secretary, University Grants Commission, Ferozashah Road, New Delhi.
5. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
6. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
7. The Registrar, Patna University, Patna.

.... Respondents- Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Nath Sinha, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 21-07-2016

The appellant seeks a writ of mandamus directing the respondents to ensure that identified backlog vacancies of teachers for Scheduled Caste, Scheduled Tribe and Other Backward Class as on 1st November, 2008 should have been filled up by 31st March, 2012 as directed by the University Grants Commission. Therefore, he seeks intervention of this Court to fill up the backlog vacancies of teachers.

2. Learned counsel for the appellant argued that an advertisement has been issued on 14.09.2014, but in the said advertisement, there is no provision for filling up of backlog vacancies.

3. In the counter affidavit filed by the State Government before the learned Single Bench, it has been pointed out that the State has decided to fill up the vacancies of teacher through Bihar Public Service Commission after incorporating necessary amendments in Bihar University Act, 1976 and the Patna University Act, 1976. It is also pointed out that the Education Department, Government of Bihar has directed all the Universities of Bihar to supply the details of the backlog vacancies under SC category in the light of the letter issued by the National Scheduled Caste Commission dated 21st February, 2014. It is further pointed out that the State Government has decided to earmark 25% of such vacancies for backlog recruitment in the Universities who have submitted the vacancies without pointing backlog vacancies of SC category. It is further stated that the Department of Education moved a Cabinet Note mentioning the above facts and requesting to give permission to recruit 75% of the teacher vacancies as per the existing reservation policy and the remaining 25% subject wise vacancies will be reserved for filling up backlog vacancies. The note also mentioned that to fill up backlog vacancies a Committee headed by a senior officer of the Education Department will be constituted to identify the backlog

vacancies and thereafter backlog vacancies will be filled up through a special drive. The Cabinet has approved the said proposal.

4. In a counter affidavit filed in the present Letters Patent Appeal, it is mentioned that 75% of the teacher vacancies have been advertised through advertisement dated 14.09.2014 issued by the Bihar Public Service Commission and that the State Government after completing the appointment process will take steps for filling up 25% remaining subject-wise backlog vacancies.

5. In view of the stand of the State in the counter affidavit in the writ petition and the counter affidavit in the Letters Patent Appeal, we do not find that any further direction can be issued. The state has given the steps taken by it to fill the backlog vacancies. Once State is taking steps, no further direction is necessary or warranted. The Letters Patent Appeal is dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

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