

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.57 of 2015

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Bibi Kaushar Begum, Daughter of Md. Nur Alam Resident of Village - Laxmipur,
Post Office - Morsanda, Police Station - Falka, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Bihar, Patna.
2. The Director Primary Education, Bihar, Patna.
3. The District Magistrate (Collector), Katihar.
4. The District Superintendent of Education (D.E.O.) Katihar.
5. The District Programme Officer (E), Katihar
6. The Block Development Officer, Falka, Katihar.
7. The Block Education Officer, Falka, Katihar.
8. The Pramukh at present (Manikant Yadav) Prakhand Samiti, Katihar.
9. The Member of Shiksha Prakhand Niyojan Samiti, Samali, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Patil

For the Respondent/s : Mr. Sajid Salim Khan, S.C.-25

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 26-07-2016

Heard Mr. Sandeep Patil, learned counsel appearing for the
petitioner.

The petitioner is aggrieved by the order bearing memo
no.47(G) dated 5.1.2012 passed by the Block Education Officer –
cum- Member Secretary, Block Teacher's Employment Unit,
Sameli in the district of Katihar whereby on review of the
appointment of urdu teachers made in the Upgraded Middle School,
Khushiyari, Block-Sameli in the district of Katihar, it transpired that
as against two sanctioned post of urdu teachers, there was
appointment of 4 persons inclusive of the petitioner.

Since the appointment was made beyond the sanctioned strength, hence a decision had to be taken as to the retention of two teachers and going by the merit list which finds reproduced in the impugned order present at Annexure-5, the person whose name was appearing at Serial No.1 and 2 of the merit list having secured better marks, were retained, while those appearing at Serial No.3 and 4 inclusive of the petitioner, were dismissed.

The petitioner is aggrieved by the decision present at Annexure-5 which has been affirmed by the Appellate Authority vide Annexure-8.

Having heard learned counsel for the parties and considering the circumstances in which the services of the teachers who were appointed beyond the sanctioned strength, was dispensed with, I am not persuaded to grant indulgence to the issue raised and the relief prayed, for there is no infirmity in the orders impugned warranting any interference.

The writ petition is disposed of.

(Jyoti Saran, J)

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