

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2135 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 20746 of 2014

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Dharmendra Kumar Pandey Son of Sri Parmeshwar Pandey resident of village and
P.O. Gangauli, P.S. Simar, District - Buxar

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Education Department, Government of Bihar, Patna
4. The Joint Director, Primary Education, Education Department of Bihar, Patna
5. The Staff Selection Commission, Bihar, Patna through the Chairman, Veterinary College, Campus, Patna
6. The Chairman, Staff Selection Commission, Bihar, Patna, Veterinary College, Campus, Patna
7. The Secretary, Staff Selection Commission, Bihar, Patna, Veterinary College, Campus, Patna

.... Respondent/s

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Appearance :

For the Appellant : Mr. Nikhil Kumar Agrawal with
Ms. Aditi Hansaria, Advocates

For the State : Mr. Harish Kumar, GP32

For the Respondents No. 5 to 7 : Mr. Kamla Kant Upadhyay with
Mr. Chandra Bhushan Das, Advocates

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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: 12-05-2016

The challenge in the present Letters Patent Appeal is to
an order dated 09.09.2015 passed by the learned Single Bench in
CWJC No. 20746 of 2014, whereby the writ application filed by the
petitioner/ appellant herein, was disposed off in view of the earlier
order passed in earlier writ application filed by the petitioner as

Annexure-9.

The appellant belongs to physically handicapped category. His claim is that he applied against one of the posts reserved for physically handicapped category but no such reservation was provided in the selection of Assistant Teacher. In the case of *Kanti Kumari (CWJC No. 17899 of 2012)* decided on 15.01.2014, a Committee was constituted to fill up 2413 posts, including the quota of physically handicapped category. The Committee was to invite claim within three months of the issuance of the last appointment letter to the category of 2413 candidates giving a clear one month time to submit their respective claim in writing in a prescribed format.

The earlier writ petition filed by the petitioner was decided in terms of *Kanti Kumari* case (supra). Therefore, the Selection Committee constituted in *Kanti Kumari* case is required to consider the claim of the present appellant as well. Thus, the learned Single Bench rightly found that there cannot be a subsequent order for the same relief which has been earlier granted to the appellant.

Learned counsel for the appellant contends that the Bihar Staff Selection Commission has admitted its mistake in not recommending the name of the appellant as juniors to the appellant have been appointed in a response under the Right to Information

Act.

If juniors to the appellant have been appointed, it confers a cause of action to impugn the selection rather than filing the present petition for claiming the same relief as has been earlier granted in the writ petition filed by the petitioner.

We do not find any ground to interfere in the order passed by the learned Single Bench. Accordingly, the Letters Patent Appeal stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

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