

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11063 of 2013

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1. Syed Wahid Warsi Son Of Late Haji Nizamuddin Warsi Resident Of Pathan Toli, P.O./P.S. Aurangabad, District - Aurangabad
 2. Managing Committee Of Madarsa Islamia At/P.O./P.S. - Aurangabad, District - Aurangabad Through It'S Secretary Syed Shams Warsi

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary Human Resources
2. The Special Director, Secondary Education, Bihar, Patna
3. The District Education Officer, Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Ajay Kumar Rastogi, AAG-10
Mr. Parijat Saurav, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 31-08-2016

No one appears for the petitioners. Learned counsel for the State is present. From the order dated 11.8.2016, it appears that on that day also no one was present on behalf of the petitioners and the Court, on its own, had adjourned the case for a period of one week. Today also, no one appears for the petitioners. In that view of the matter, this Court has no other alternative remedy but, to dispose of the present writ application.

In this case, the petitioner no.1 is the individual person whereas petitioner no.2 is the Managing Committee of the school. A claim has been made, an advertisement was published in the Urdu daily newspaper "Farooqui Tanzim" on 5.2.2013, the petitioner no.1 applied for the post of Assistant Teacher, he was selected but, was not given appointment letter. The petitioner makes a prayer for payment of salary.

Learned counsel for the State has pointed out that the Managing Committee, which had appointed the petitioner no.1, was already dissolved prior to his appointment letter. As it appears that the petitioner was given appointment letter on 28.2.2013 whereas the Managing Committee was dissolved vide Memo No. 163-68 dated 18.2.2013 and, so much so, that the petitioner was working as a Supervisor in the Computer Section of CABA MDTP run under the control of Ministry of H.R.D., Government of India. Learned counsel for the State has further submitted that the selection of the petitioner no.1 suffers from malice and biasness on the ground that in the Selection Committee, the members, namely, Saiyad Shams Warsi and Mr. Arif Hussain Ishrat, are the bother and brother-in-law of the petitioner no.1. In such a situation, the appointment is also vitiated on account of their participation in the selection of the petitioner no.1.

In that view of the matter, this Court does not find any merit in this application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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