

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7288 of 2011

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Urmila Devi Wife Of Late Mahadeo Ram Resident Of Village- Purani
Chabni English, Uco Bank, Gali Ward No. 18, P.O. And P.S. Barahiya,
District -Lakhisarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner-Cum-Secretary, Human Resources Department, Govt.
Of Bihar, Patna
3. The District Teacher Appointing Appellate Authority, Patna
4. The Panchayat Secretary, Gram Panchayat Paijuna, Block-Ghosbari,
Dist.-Patna
5. The District Program Officer Establishment Patna
6. The Block Development Officer, Block Ghosbari District Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Narsingh Tanti
For the Respondent/s : AC to GA 12
Sri Ajay Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

14 05-10-2016 Heard Sri Manohar Prasad Singh, learned counsel , who

was assisted by Sri Narsingh Tanti, learned counsel for the

petitioner , learned AC to GA No. 12 as well as Sri Ajay Kumar,

learned counsel who has appeared on behalf of the respondent no.

4.

The sole petitioner, has approached this court invoking
its writ jurisdiction under Article 226 of the Constitution of India
with a prayer to quash an order dated 10.3.2011 passed by the
District Teacher Appointing Appellate Authority, Patna in Case
No. 06Ni-A. Pan.Chi -73/11. By the said order application filed by

the petitioner for appointing her as Panchayat Teacher has been rejected.

Learned counsel for the petitioner submits that petitioner's name was at serial no. 2 in the merit list. Even though the person who was selected did not turn up for receiving appointment letter and as such the appointing authority was required to appoint the petitioner, which was not done. Whereas, on examining the record it is evident that merit list was prepared in which in the category of petitioner i.e. Extremely Backward one candidate namely Soni Kumari, who was having higher marks than the petitioner, was shown selected. This selection was made after final counseling. Thereafter date was fixed for issuance of appointment letter i.e. 30.12.2010. By the same selection list besides Soni Kumari other two persons were also selected against General Category and General Female Category.

On perusal of the order it appears that at the time of distribution of appointment letter none had turned up. Since there was no specific guideline as to whether second candidate in the merit list was to be accommodated, the appointing authority sought guideline from the authority concerned and no step was taken for filling up the vacancy. On perusal of the record it is evident that it is not a case that any candidate having lesser

marks than the petitioner has been appointed. Meaning thereby, that none of the right of the petitioner has been infringed. The Court is of the opinion that in absence of infringement of any right, one may not invoke writ jurisdiction.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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