

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3797 of 2011

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Suresh Thakur, son of Sri Karu Thakur, resident of Village - Basarhi, P.O. - Basarhi, P.S. Bodh Gaya District - Gaya

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Gaya
3. The District Education Officer, Gaya
4. The Education Sub-Divisional Officer, Gaya

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Singh

For the Respondent/s : Mr. AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

13 28-03-2016 Heard Sri Pramod Singh, learned counsel, who was assisted by Sri Amrendra Kumar Singh, learned counsel for the petitioner and learned AC to SC-3.

The petitioner, invoking writ jurisdiction of this Court under Article-226 of the Constitution of India, has made a prayer for directing the Respondents to publish the provisional 2nd Panel List and appoint him on the post of Nagar Madhyamik Shikshak under the Nagar Panchayat, Bodh Gaya in the district of Gaya. It has been pleaded that the petitioner had participated in the counselling for appointment as Nagar Madhyamik Teacher, but ignoring the case of the petitioner, initially a panel was prepared. Thereafter, an objection was raised by the petitioner.



Subsequently, a fresh panel was prepared, in which the petitioner's name was included. However, due to one reason or the other the said list was not published. Thereafter, the petitioner approached this Court by filing a writ petition vide C.W.J.C.No.7605 of 2008. However, the said writ petition was permitted to be withdrawn with liberty to represent before the authority concerned. Thereafter, by order dated 23.03.2009, the claim of the petitioner has been turned down.

Of course, in the main writ petition initially there was no prayer for quashing of Annexure-2 to the writ petition i.e. an order passed by the District Education Officer, Gaya. Subsequently, by filing an amendment petition vide I.A. No.8937 of 2011, the petitioner sought permission to make a prayer for quashing of Annexure-2 to the writ petition also.

In this case, counter affidavit and supplementary counter affidavit have been filed on behalf of the Respondents. It has been indicated that after objection of the petitioner, 2nd counselling was done. However, in the 2nd counselling, out of three members only one member had participated. Since on instruction of the Government, no further step was taken in the light of such subsequent development. In the meanwhile, since no process was completed in view of preparation of second panel list,

a fresh step was taken for filling up of vacancies and the vacancies of the year 2008 was carried forward, which was concluded by the concerned employment Unit in the year-2012. In paragraph-5 of the supplementary counter affidavit. a specific stand has been taken that the process of appointment on the post of secondary teacher under Nagar Panchayat, Bodh Gaya in the year 2008 could not be completed and it was in the said fitness of things that the remaining vacancies of 2008 of Nagar Panchayat, Bodh Gaya was carried forward to the process of appointment of the year 2012 and appointment against the said vacancies have already been done by the concerned employment unit in accordance with roster clearance and appointment letters have also been issued pursuant thereto.

Keeping in view the fact that in the 2nd conselling since there was only one member as well as the fact that by efflux of time vacancies of 2008 were carried forward to the process of appointment of the year 2012 and appointment process against the said vacancies has already been completed, the Court is of the opinion that no positive order can be passed in favour of the petitioner.

The petition stands dismissed.

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(Rakesh Kumar, J)