

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5075 of 2014

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1. Sanjay Kumar Singh S/O Kameshwar Singh Resident Of Village- Gopidhanwat,
P.O- Giddha, P.S- Jaitpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department Of Human Resources Development Bihar, Patna.
2. The Secretary Department Of Primary and Adult Education, Bihar. Patna.
3. The District Superintendent Of Education Now Know As District Program Officer Establishment, Muzaffarpur.
4. The District Program Officer, Establishment, Muzaffarpur.
5. The Mukhiya of Gram Panchayat Raj Kolhuan, Block- Saraiya Muzaffarpur.
6. The Panchayat Secretary Koluhan Saraiya, Muzaffarpur.
7. The District Teacher Appointment Appellate Authority, Muzaffarpur.
8. Sanjay Kumar S/O Late Rabindra Singh Village + P.O+ P.S- Karja, Muzaffarpur At Present Teaching As Panchayat Teacher In Primary Vidyalay, Mushahar Tola Kolhuwa, P.S- Saraiya, District- Muzaffarpur.
9. Manoj Kumar S/O Jaglal Rai At Present Posted As Panchayat Teacher, At Primary School Chakdevan Tola, Kolhua, PS- Saraiya, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore
For the Respondent/s : Dr Anil Kumar Upadhyay, SC 2
Mr Rohit Rajesh, AC to SC 2
Mr Vijay Kumar Singh
Mr Pankaj Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 02-12-2016

By virtue of the order dated 22.11.2013 passed in Case No.50 of 2013, the claim of the petitioner for a direction for appointment as a Panchayat Teacher has been negated and rejected by the District Teachers Employment Appellate Authority, Muzaffarpur. The impugned order is Annexure- 7 to the writ application.

Allegations were made that the Panchayat made manipulations and appointed certain set of people for extraneous reasons and even though the petitioner had the requisite merit position, he has been denied the benefit of such appointment.

From a reading of the impugned order, it is evident that the Tribunal has dealt with the issue of reservation for physically handicapped category which reservation is sanctioned under a centralized statute and also adopted by the State of Bihar.

Since reservation for physically handicapped category candidates are horizontal reservation, therefore, no separate reservation as such is required to be done. If a candidate belong to a particular category of reservation for which vacancies are available and there are claimants under the physically handicapped category, they have to be given weightage and preference. The sum essence and conclusion of the order of the District Teachers Employment Appellate Authority is that appointments have been made of physically handicapped category candidates and there is nothing more, which is required to be read into such appointment of physically handicapped category.

Since the Court does not find any infirmity with the decision of the District Teachers Employment Appellate Authority, the writ application is dismissed.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.12.2016
Transmission Date	NA