

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3526 of 2014

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1. Babi Kumari Wife Of Sri Rakesh Kumar Singh Resident Of Village - Sahjanand Colony, P.O. Bhagwanpur, Police Station - Sadar, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar, Through Its Principal Secretary, Human Resources Development Department, Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The District Education Officer, Muzaffarpur
5. The District Superintendent of Education, Cum District Programme Officer, Muzaffarpur
6. The Block Development Officer, Saraiya, Muzaffarpur
7. The Block Education Extension Officer, Saraiya, Muzaffarpur
8. Panchayat Secretary, Gram Panchayat Raj Kolhuya, Saraiya Block, Muzaffarpur
9. Mukhiya, Gram Panchayat Raj Kolhuya, Saraiya Block, Muzaffarpur
10. Sanjay Kumar Son of Nitishwar Prasad Shahi Resident of Village and Post Chakna, District - Muzaffarpur
11. Sanjay Kumar Son of Ravindra Prasad Singh Resident of Village and Post Karja, District - Muzaffarpur
12. Rekha Kumari Wife Of Shankar Kumar Resident Of Village - Bairiya, Post - Kolhuya, District - Muzaffarpur
13. Sudha Kumari Wife of Awadh Kishore Singh Resident of Village - Karja, Post - Karja, District - Muzaffarpur
14. Bihar School Examination Board, Patna through its Secretary.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Narayan Parbat, Sr. Advocate
Mr Sanjay Kumar Jha

For the Respondent/s : Mr. Amarendra Kumar, AC to AAG 3
Mr Yugal Kishor
Mr Girijesh Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 26-04-2016

Heard counsel for the petitioner, counsel for the private respondent, the Examination Board and the State.

Petitioner has assailed the order dated 29.10.2013 passed in case no.48 of 2013 by the District Teachers Employment Appellate

Authority, Muzaffarpur. The said order is Annexure- 7 to the writ application. By virtue of this order, the grievance or claim of the petitioner for a direction for her appointment as a Panchayat Teacher has been rejected on the ground of delay and laches.

The reason for filing the said complaint before the District Teachers Employment Appellate Authority was that the selection authorities did not include and add Intermediate marks while working out the merit position of the petitioner which created prejudice against her and only on the basis of Matriculation and the training marks, selection of the private respondent was done.

The selection has been done on the basis of marks in Matriculation and training and that was the yardstick applied for the said selection across the board. If the two marks are seen, the private respondent is placed much higher in the merit position than the present petitioner. Obviously, as an afterthought when re-working has been done by the petitioner and a plea has been taken that even the Intermediate marks should have been added for the said selection process and by not doing so is detrimental to the selection process itself.

The Tribunal has rightly rejected such a claim on the ground of delay. In addition to that, the selection of the private respondent cannot be said to be erroneous because if a uniform

yardstick had been adopted for working out the merit position then the petitioner cannot be allowed to urge and plead yet another parameters and standards for the said selection because she has a few marks more in Intermediate and she feels that she can make a brownie point against the private respondent.

At the relevant time even a matriculation trained candidate was eligible for such consideration, therefore, there was nothing illegal about said selection.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

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