

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5622 of 2014

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1. Nidhi Bhargava W/O- Shri Lokesh Bhargava Resident Of Bishwambhar Sadan,
Justice Raj Kishore Path, P.O. + P.S.- Kadamkuan, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Secondary Education, Department Of Education, Govt. Of Bihar, Patna
3. The District Education Officer, Patna
4. The Managing Committee, Dayanand Balika Uchcha Vidyalaya (Govt. Aided Minority Secondary School), Represented Through Its Secretary, Dayanand Balika Uchcha Vidyalaya, Mithapur, Patna
5. The Secretary, Dayanand Balika Uchcha Vidyalaya, Mithapur, Patna
6. The Principal, Dayanand Balika Uchcha Vidyalaya, Mithapur, Patna
7. The Secretary, Bihar Staff Selection Commission, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava

For the Respondent/s : Mr. Sudhir Kumar, AC to AAG 2

Mr Nishi Nath OJha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-03-2016

Petitioner was selected by the private managing committee on the post of an Assistant Teacher in English. The school in question is known as Dayanand Balika Uchcha Vidyalaya, Mithapur.

When the case was recommended to the government for approval, the same has been rejected by the Director, Secondary Education vide his order dated 12.11.2013 (Annexure- 8), which is under challenge.

It is not a case of appointment under the privately managed school. The approval for such appointment is sought by

the school for the reason that the school in question is getting financial assistance and support from the State Government. If that be so then any appointment on any post is required to be made in consonance with the eligibility laid down by the State Government with regard to such appointments.

It is evident from reading of the impugned order and the facts surrounding such appointment that the petitioner is overage by almost one year seven days. The maximum age laid down for appointment on such post is 38 years. In other words, the petitioner was not eligible to be appointed over and above the maximum age fixed by the State Government for public employment.

The Director has, therefore, rejected the recommendation for regularization and approval since the order in question does not suffer from any element of arbitrariness or violation of any statutory provision, the same is not required to be interfered with.

Counsel for the State supports the decision of the Director, Secondary Education to be in order and valid.

No case for interference with the decision is made out.
Writ is dismissed.

(Ajay Kumar Tripathi, J)

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