

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7055 of 2014

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1. Arbind Kumar son of Mahendra Sharma Resident of village - Dadupur, P.O. and P.S. Bikram, District - Patna.
 2. Dinesh Sharma son of Late Suryadeo Singh Resident of Village - Ahiyapur, P.O. and P.S. Bikram, Dist - Patna.
 3. Sheogan Singh son of Brij Bihari Singh Resident of village - Gorakhari, P.O. and P.S. Bikram, District - Patna.
 4. Binod Kumar S/o Late Palak Nath Singh resident of Village - Bagha Coal, P.S. Bikram, P.O. - Patul District - Patna.
 5. Bijay Kumar Singh S/o Late Sidheshwar Singh resident of Village - Janpara, P.O. - Barah, via Rani Talab, P.O. - Bikram, Dist - Patna.
 6. Arbind Kumar son of Parmanand Sharma resident of village - Nisharpur, P.O. - Mahamad, P.O. and P.S. Bikram, Dist - Patna.
 7. Bhuneshwar Kumar S/o Deonandan Singh resident of Village - Chauthiya, P.O. and P.S. Bikram, Dist - Patna.
 8. Nirmal Kumar Gupta son of Mohan Prasad Gupta Resident of village - Bikram, P.O. and P.S. - Bikram, Dist - Patna.
 9. Binod Kumar Sinha son of Ram Pukar Sinha resident of village - Bikram, P.O. and P.S. - Bikram, District - Patna.
 10. Kush Kumar son of Late Ram Lakhan Sharma resident of village - Maorfawad, P.O. - Bikram, P.S. - Bikram, Dist - Patna.
 11. Nawlesh Singh son of Subhas Singh resident of village - Gopalpur, P.O. - Saibabad, Dist - Patna.
 12. Ashok Kumar S/o Shree Ram Singh resident of Vill - Baghakal, P.O. - Patul, P.S. - Bikram, Dist - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, New Secretariat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nageshwar Prasad Sinha

For the Respondent/s : Mr. Himanshu Kumar Akela, AC to PAAG 2

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-07-2016

Heard counsel for the petitioners and counsel for the State.

The relief which the petitioners are looking for through

the present writ application cannot be allowed or granted keeping in view what has already transpired earlier at the level of the Hon'ble Apex Court in the case of Nand Kishore Ojha as well as the implementation of the directives issued by the Hon'ble Apex Court from time to time. That transaction is over. Curtains have been drawn on that aspect of the dispute. Not only the factual position but even legal position by virtue of the statutory enactments has undergone a change. There cannot be any direction for appointment on the post of Assistant Teachers for primary schools as if it is an every day exercise. The vacancies, the eligibility as well as the requirements for filling up vacant posts are obligations created upon the State. As and when such exercise are initiated, I am sure, if the petitioners have eligibility in terms of such advertisement, even their claim for appointment will be considered within the framework of the statute and the advertisement.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	28.7.2016
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