

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9440 of 2013

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Rumi Devi Wife Of Sri Baban Singh Resident Of Village- Rojhaji Tola, Police
Station- Piro, District- Bhojpur (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Bihar,
Patna
3. The District Magistrate, Bhojpur At Ara
4. The District Education Officer, Bhojpur At Ara
5. The Block Education Officer, Piro, Bhojpur At Ara
6. The Member, District Teacher Employment Appellate Authority, Bhojpur At
Ara
7. The Mukhiya Cum Chairman, Panchayat Shikshak Selection Committee, Gram
Panchayat- Jitaura Jangal Mahal, Block Piro, Bhojpur At Ara
8. The Panchayat Secretary, Gram Panchayat Jitaura Jangal Mahal, Block Piro,
Bhojpur At Ara
9. Lalmuni Kumari Wife Of Manoj Kumar, D/O Ramji Das Village And P.O.-
Piro, P.S.- Piro, District- Bhojpur At Ara. Presently Posted As Panchayat
Teacher In Primary School Hari Tola Gram Panchayat Jitaura Mahal, Block
Piro, Bhojpur At Ara

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Adv.

For the Respondent/s : Mr. Upendra Pratap, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-07-2016

Heard learned counsel for the petitioner and counsel for he
respondent.

In this case, the petitioner is seeking her adjustment on the



post made for the backward category candidate. In place of the petitioner, one Lalmuni Kumari was appointed as a Panchayat Teacher in general category female candidate who, on account of additional degree, was found to be ineligible as she has obtained the degree from Board of Secondary Education, Delhi which has not been recognized by the C.B.S.E. or by the State of Bihar and, accordingly, her service was dispensed with. Learned counsel for the petitioner has submitted that one Kiran Kumari, who is just before her in merit list, has been appointed in the B.C. Female Category, may be adjusted against the general vacancy which had fallen vacant on account of termination of Lalmuni Kumari and she should be adjusted against the post of Kiran Kumari. That cannot be accepted on two grounds. Firstly, when the process of selection has completed and the person has already joined the post, any vacancy created thereafter will go to the subsequent year of appointment and, as such, the vacancy created on account of termination of the services of Lalmuni Kumari will go to the subsequent year of appointment. Secondly, the petitioner has not produced the list of persons who have applied against the general category. There may be some persons having higher number than to Kiran Kumari and any vacancy created on account of dismissal, will go to next person in General Category not to a person in merit list appointed in B.C. Category, and, as such, on both the aforesaid

grounds, the relief sought for by the petitioner is not entertainable.

With the aforementioned observation, this application is dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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