

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2957 of 2013

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1. Mahendra Kumar Rai S/O Late Radha Rai Resident Of Village & P.O. -
Patsa, District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Samastipur
3. The Member, Teachers Appointment Appellate Authority, Samastipur
4. The District Programing Officer, Samastipur
5. The Block Development Officer, Hasanpur, District - Samastipur
6. The Block Education Extension Officer, Hasanpur, District - Samastipur
7. The Prakhand Pramukh, Hasanpur Block, District - Samastipur
8. Mukhia, Gram Panchayat Raj - Deora, Block Hasanpur, District -
Samastipur Null Null
9. Panchayat Secretary, Gram Panchayat Raj - Deora, Block - Hasanpur,
District - Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.N.Yadav, Adv.
Mr. Ranjit Kumar Yadav
For the Respondent/s : Mr. Manoj Kumar Jha, AC to GP-26

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 06-01-2016 Heard the parties.

In this case, petitioner is seeking quashing of order dated 13th February 2012 passed by the Member, District Teachers' Appointment Appellate Authority, Samastipur in Appeal No. 1207 of 2010 and the order dated 9th June 2009 passed in Appeal No. 171 of 2009 whereby and whereunder he has dismissed the appeal.

Counsel for the petitioner has pointed out that the order has not dealt with the matter which the Tribunal was required to address. The petitioner has 40 per cent visual disability. The Equal Opportunities, Protection of Rights and Full

Participation Act 1995 provides 3 per cent reservation for disabled persons, one who is suffering from visual disability, 2nd suffering from audio and the 3rd is for loco mot or. One post each is reserved for aforesaid three categories, in between roster point 1 to 33, 34 to 66 and 67 to 100 respectively.

If the appointing authority finds difficulty to make reservation for roster point 1, 34 and 67 will be at liberty to identify points for 1 per cent reservation for each class of disabled person. As per counsel for the petitioner, no one has been appointed under any category of disability which has not been dealt with by the Tribunal.

As the orders impugned i.e. orders dated 9th June 2009 and 13th February 2012 are cryptic and have not dealt with the matter properly, the same are quashed and the matter is remanded back to the Tribunal to pass appropriate order in accordance with law.

Accordingly, this petition is allowed.

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(Shivaji Pandey, J)