

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13583 of 2015

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1. Ajitesh Kumar son of Ramdatt Prasad, Resident of Mohalla- Mirchaibari, P.O. + P.S.+ District- Katihar
 2. Sima Kumari, Daughter of Yugal Bhagat, Resident of Keshari Chowk, Ajam Nagar, P.S.+ P.O.+ District- Katihar
 3. Ujwal Kumar Paswan, son of Narendra Prasad Paswan, Resident of Laliyahi, P.O.+ P.S.+ District- Katihar
 4. Pallavi Kumari, Wife of Shankar Pandey, Resident of Satsang Nagar, Baigna, P.O.+ P.S.+ District- Katihar
 5. Kumari Bobby, Daughter of Harendra Kumar, Resident of Officer Colony, P.O.+ P.S.+ District- Katihar
 6. Abu Kalam Azad, Son of Ali Sagar, Resident of Mumra, P.O.+ P.S.+ District- Katihar
 7. Mala Kumari, Daughter of Shivnandan Mandal, Resident of Bhakhmavirpur, P.O.+ P.S.+ District- Katihar
 8. Md. Asfaz Alam, son of Md. Soyeb Ali Resident of Abrali, P.O.- Sempur Barari, Togan, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Human Resource Department, Bihar, Patna
2. The Director Human Resource Department, Bihar, Patna
3. The Collector, Katihar
4. The District Education Officer, Katihar
5. The Block Development Officer, Azamnagar, District- Katihar
6. The Block Extention Education Officer, Azamnagar, District- Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr. Prabhat Kumar, AC to GA 2

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-05-2016

Heard counsel for the petitioners and counsel for the State.

Whatever be the deliberations which have have taken place in the previous adjudication, including the order passed in LPA

No.858 of 2012 with regard to appointment of Prakhand Teacher in the district of Katihar, the Court is not unmindful of the fact that these appointments relate to the year 2008 and for one reason or the other, the appointments could not be made, including pendency of litigation.

Since then keeping in mind that the appointments are going to be made now and will not relate back to the year 2008, the mandatory requirement of passing the Teacher Eligibility Test for all such appointments, which has a public purpose behind it, cannot be ignored or diluted when the claimants of such appointment have not cleared the Eligibility Test. The stand of the State in the counter affidavit to that extent, including the order and direction of the Director, Primary Education, Government of Bihar cannot be said to be erroneous in any manner.

No direction, therefore, can be given for appointment of these petitioners against the post till they qualify the Teacher Eligibility Test.

Writ is dismissed with observation as above.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	
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