

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 601 of 2013

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Rajesh Kumar Son Of Sri Uma Shankar Prasad Resident Of Village - Karan Bigha,
P.O. Shankardih, P.S. Parwalpur, District - Nalanda

.... Appellant/s

Versus

1. The State Of Bihar, Through the Chief Secretary Govt. Of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Education Department, Govt. Of Bihar, New Secretariat, Patna
3. The Director Primary Education, Education Department Government of Bihar New Secretariat, Patna
4. The Director (Secondary Education), Human Resources Development Department, New Secretariat Govt. Of Bihar, Patna
5. The Regional Deputy Director, Muzaffarpur
6. The District Education Officer, Muzaffarpur
7. The District Programme Officer (Establishment), District - Vaishali At Hazipur
8. The Nagar Panchayat Teacher Selection Committee Through The Chief Executive Officer, Nagar Panchayat At Hazipur District - Vaishali
9. The Regional Deputy Director, Darbhanga
10. The District Education Officers Darbhanga
11. The District Programme Officer (Establishment), District - Darbhanga
12. The Nagar Panchayat Teacher Selection Committee through the Chief Executive Officer, Nagar Panchayat Darbhanga
13. The Regional Deputy Director, Bhagalpur
14. The District Education Officer, Bhagalpur
15. The District Programme Officer (Establishment), District - Bhagalpur
16. The Nagar Panchayat Teacher Selection Committee through the Chief Executive Officer, Nagar Panchayat Bhagalpur
17. The Regional Deputy Director, Munger
18. The District Education Officer, Munger
19. The District Programme Officer (Establishment), District - Munger
20. The Nagar Panchayat Teacher Selection Committee through the Chief Executive Officer, Nagar Panchayat Unger
21. The Regional Deputy Director, Patna
22. The District Education Officers, Rohtas
23. The District Programme Officer (Establishment), District - Rohtas
24. The Nagar Panchayat Teacher Selection Committee through the Chief Exective Officer, Nagar Panchayat Rohtas

.... Respondent/s

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For the Appellant/s : M/s Jayram Sharma & Prakash Mahto, Advocates

For the Respondent/s : Mr Kaushal Kishor, AC to GP 23

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 01-07-2016

The appellant in this intra-Court appeal, was the unsuccessful writ petitioner.

2 On 07.07.2012, the State Government, in the Department of Education, issued notification for recruitment of Teachers for Middle School and High School in Zila Parishads, Nagar Nigams. The notification is Annexure 7 to the writ petition. Clause 2 of the notification clearly stipulated that Teachers for six subjects, noted therein, are to be recruited. They are Mother Tongue, English, Urdu or Second Indian Language, Mathematics, Science and Social Science. It further provided vide Clause 8 (vi) (ga) that for the post of Social Science Teacher, an applicant must have had one of the subjects as compulsory subject in the Graduation being History or Geography. He must further have had two of the subjects as subsidiary subjects out of the four that is History, Economics, Geography and Political Science.

3 The writ petitioner/appellant was an Honours Graduate and had B Ed degree. He intended to apply for the post of Teacher in Social Sciences under the aforesaid notification but his application was not accepted. The ground for that, as disclosed, was that he did not have two subjects as subsidiary subjects which were

mandatory. The writ petitioner-appellant had obtained B A Honours from Magadh University in History. He thus, satisfied the compulsory subject of the said notification. But when we come to subsidiaries, he had Ancient History and Sociology as the two subsidiary subjects. Thus, out of the four subsidiary subjects, History, Economics, Geography and Political Science required, he had only one subject.

4 Petitioner challenges this discrimination. His submission would be that the authorities of the State have wrongly and arbitrarily excluded Sociology from the list of subsidiary subjects for the appointment of Teacher in Social Science. His submission is that Sociology is a part of Social Science and exclusion thereof would be arbitrary.

5 In principle, we agree with the submission to the extent that Sociology is a part of Social Science but not to his later submission that its exclusion would be arbitrary. One has to keep in mind that normally it is for the employer to lay out eligibility condition and the Courts would not interfere unless it is shown to be arbitrary, fanciful or having no rational nexus to the employee. Here, we have to keep in mind that the Teachers, who are being recruited, were being recruited for Middle Schools and High Schools. Sociology is not a subject which is taught at the Middle School or High School level. Basically, State apparently requires Teachers of History or Geography who would also have studied

Economics and Political Science. This was considering the nature of appointment.

6 Therefore, in view of the aforesaid, we are of the opinion that even though Sociology is a part of Social Science, its exclusion for the purposes of appointment of Teachers in the Middle School and High School, cannot be termed as arbitrary, discriminatory or without any rational nexus.

7 We, therefore, find no reason to interfere with the order of the learned Single Judge. This appeal is devoid of merit and is dismissed accordingly.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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