

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9745 of 2013**

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Md. Nurul Islam Son Of Md. Sikander Ali Panchayat Teacher, New  
Primary School, Chutti Bagh Under Sukhasan Panchayat, P.S. - Barari,  
District – Katihar ..... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Katihar
3. The District Education Officer, Katihar
4. The District Programme Officer (Establishment) Education, Katihar
5. The Block Development Officer, Barari, District - Katihar
6. The Block Extension Officer, Barari, District - Katihar
7. The District Teachers Appointment Appellate Authority, Katihar  
Through Its Member
8. The Mukhiya, Gram Panchayat Raj, Sukhasan, Block - Barari, District -  
Katihar
9. The Panchayat Secretary, Gram Panchayat Raj, Sukhasan, Block -  
Barari, District - Katihar
10. Vijay Kumar Singh Son Of Sikander Singh Resident Of Gram  
Panchayat Sukhasan, Ward No. 15, P.S. Barari, District - Katihar
11. Vimal Kumar Son Of Suresh Prasad Resident Of Village Naya Tola  
Dehariya, P.S. - Town , District - Katihar
12. Raman Kant Jha Son Of Shri Hemkant Jha Resident Of Railway New  
Quarter No. 457a, Katihar, P.S. Town , District - Katihar

..... Respondents

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**Appearance :**

For the Petitioner : Mr. Amaresh Kumar Singh, Advocate  
For the State : Mr. Shyam Kishore Sharma, Sr. Advocate, GA 1  
For respondent no.8 : Mr. Ajay Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH**  
**ORAL ORDER**

3      14-03-2016                      The petitioner is claiming appointment on the basis of  
  
belonging to handicapped category. He has annexed the  
  
certificate issued by the Civil Surgeon's office in support of  
  
being a handicapped. The petitioner submits that he was even  
  
selected by the Niyojan Samiti under handicapped category.  
  
However, private respondents filed complaint before the District  
  
Teachers Appointment Appellate Authority, Katihar bearing

Appeal Case No. 2269 of 2011, which was disposed of vide order dated 6.3.2013 holding his appointment to be illegal.

The petitioner submits that he has no grievance with private respondents whose claim fall under different category. His grievance is that he is claiming under handicapped category which aspect of the case was not considered by the Appellate authority. He has also referred to a decision in the case of Anant Kumar Vs. State of Bihar, reported in 2001(2) PLJR 551 in support of his case.

I find that the petitioner is claiming under handicapped category which aspect has not already been considered vis-à-vis the case of respondents, I accordingly, remand the matter to the appellate authority (respondent no.7) for consideration and disposal of petitioner's case preferably within a period of four months from the date of receipt of a copy of this order.

It will be open for the petitioner to file any further affidavit or documents before respondent no.7.

The writ petition is thus disposed of.

Shashi.

**(Samarendra Pratap Singh, J)**

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