

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16452 of 2011

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Veena Kumari D/O Late Ram Pavitra Jha R/At- Flat No. 201-B, Vijay
Complex Rampur Road, Near Bazar Smiti, Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The Director Secondary Education, Government Of Bihar, Patna
3. The Regional Deputy Director Of Education Tirhut Division,
Muzaffarpur
4. The District Magistrate Muzaffarpur
5. The Deputy Development Commissioenr Muzaffarpur
6. The District Educaiton Officer, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Kumar Gangesh Gunjan
For the Respondents : Mr. Ajay G.A. 5
Mr. Ashish Kumar Lal, A.C. to G.A.5

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

10 21-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The writ application has been filed for quashing the
order dated 23.07.2011 issued by the District Education Officer,
Muzaffarpur, by which the petitioner was denied appointment
letter on the post of Librarian in Zila Parishad, Muzaffarpur on the
ground that she did not have minimum requisite qualification at
the time of submission of her application.

In the year 2008, the Government issued
notice/advertisement for appointments of Teachers/Librarians in
Zila Parishads and Nagar Nigams in different districts of the State
of Bihar, in which the last date for submission of the application



form was 17.11.2008. The petitioner applied for the same and after the selection process was over she was informed by letter dated 03.01.2009 that she was provisionally selected for the post of Librarian in Zila Parishad and the name of the petitioner was kept in the waiting list and further asked to appear on 17.01.2009. After the selection was over the petitioner's name was published in the list of selected candidates at serial No.37. The first counseling was held on 17.01.2009. However, the appointment letter not having been issued to the petitioner, whereas others even lower in the select list having been appointed, the petitioner approached this Court by filing C.W.J.C. No.7057 of 2011, which was disposed of by order dated 25.04.2011 directing the petitioner to file a fresh representation before the District Education Officer, Muzaffarpur who was to consider and dispose of the same by a reasoned order.

By the impugned order dated 23.07.2011, the District Education Officer, Muzaffarpur rejected the representation of the petitioner on the ground that on the last date of submission of her application on 17.11.2008 she did not have Library Science degree and thus she was not competent to apply for the same. Aggrieved by the same, the present writ application has been filed.

During the course of these proceedings, this Court directed the respondents to produce on affidavit the original application filed by the petitioner along with the mark-sheet,



which was brought on record by way of a supplementary counter affidavit filed on behalf of respondent No.6. It is evident from a perusal of the said documents along with different documents filed with the application for appointment that the petitioner was duly qualified for appointment on the post of Librarian in Zila Parishad, Muzaffarpur which was admitted by the respondents also. This Court, therefore, directed the respondents to inform the Court about the steps taken. Thereafter by the second supplementary counter affidavit, it was informed that the petitioner has been appointed on the post of Librarian in the Nationalized High School, Dhanour (Katra) under Zila Parishad, Muzaffarpur by the Chief Executive Officer-cum-Deputy Development Commissioner, Muzaffarpur and the appointment letter has also been issued by the District Programme Officer (Establishment), Muzaffarpur by memo No.2039 dated 28.11.2011 in the light of the decision taken by the Employment Committee/Panel Nirman Committee of the Zila Parishad, Muzaffarpur.

This Court taking note of the same directed the respondents to file further counter affidavit stating the seniority as per the merit list in the second supplementary counter affidavit. It is stated that there is no departmental provision for maintaining the seniority as per the merit list prepared for the post of Librarian, Zila Parishad (at present), but a committee has been constituted by



the Education Department vide letter dated 11th August, 2015 for fixation of service conditions of the Librarians along with different types of teachers and as soon as any guideline/rule is obtained in the matter then initiative shall be taken for maintaining the seniority accordingly.

In view of the aforesaid stand of learned counsel for the respondents, since there is no such provision with regard to seniority of the Librarian, it may not be possible for this Court at present to issue any direction with regard to maintenance of seniority of the petitioner.

In the light of the stand taken by the respondents in the 3rd supplementary counter affidavit, it is directed that as and when the Rules regarding seniority of the Librarian are laid down, the respondents shall consider the seniority of the petitioner at the appropriate position in the said seniority list in accordance with law.

The writ application is, accordingly, disposed of with the above observations and directions.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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