

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3282 of 2013

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1. Md. Nesar Ansari S/O Usuf Ansari Resident Of Badi Bazar, P.S. Mohania, Dist - Kaimur
2. Manjoor Alam S/O - Md. Omaidullah Ansari Resident Of Village - Belauni, P.O. - Kaudi Ram, P.S. - Mohaniya, Dist - Kaimur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, H.R.D. Govt. Of Bihar
3. The Director (Primary Education) H.R.D. Govt. Of Bihar
4. The District Program Officer (Establishment), Dist - Kaimur
5. The Block Education Officer, Block - Ramgarh, Dist - Kaimur
6. The Member, District Teacher Appointment Appellate Authority, Kaimur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. BIJAY SHANKAR CHOUBEY

For the Respondent/s : Mr. Ajay Kumar Singh, A.C. to S.C. 2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-01-2016

Heard learned counsel for the petitioners and
learned counsel for the State.

Learned counsel for the petitioners submits that this writ application is confined to petitioner no. 1 Md. Nesar Ansari only because petitioner no. 2 Manzoor Alam has already been accommodated in another place. Accordingly, this writ application is dismissed as against petitioner no. 2.

In this writ application, petitioner no. 1 is claiming appointment to the post of Block teacher with reference to second phase. Petitioner on the basis of the advertisement applied for the

post of Block teacher, produced all the certificates but due to inaction on the part of the State authorities, the educational certificates which were produced by him were not verified. On that account counseling could not be done and as such could not be appointed.

As per the stand of the State, as per Circular, vide Notification no. 315 dated 25.08.2008, the appointment was to be made as per the time schedule which was not made. As per letter No. 953 dated 25.07.2010, the counseling was to be done, after verification of certificates making consultation with respective Boards, College and University but could not be done. Principal Secretary vide letter no. 1475 dated 04.12.2010 and the District Superintendent of Education vide letter No. 1573 dated 16.12.2010 directed to conclude counseling and distribute the letter of appointment, fixing the date of counseling and appointment and thereafter any appointment made will not be treated to be valid.

Director, Primary Education vide letter no. 1557 dated 24.12.2010 directed that counseling was to be done in between 22 to 30.12.2010. As counseling could not be done as per resolution no. 315 dated 25.08.2008, on that account appointment of the petitioner could not be made.

The State time to time extended the time for verification of the certificates but even then the authority could not

complete the verification of the certificates. In failure to appoint the petitioner the Respondent has acted illegally and in unjustified manner.

The fact emerging from the order of the Tribunal itself shows that the Government not only once but on different occasions has granted time fixing verification of the certificates, counseling of candidates and appointment but on account of utter negligence or incapacity to get the verification of certificates done, the petitioner has been deprived of his appointment. The Tribunal has refused to grant relief to the petitioner on the ground that the petitioner has not filed consent letter but the order shows that the plea was taken by the authority that as the verification was not made of the certificates of the petitioner filed by him, that was the main reason for refusal to appoint the petitioner. The petitioner should not suffer for the inaction on the part of the respondents. Accordingly the impugned order dated 15.03.2012 passed by the Teachers Appellate Authority, Bhabhua in Appeal nos. 144 of 2011 and 145 of 2011 is quashed.

In such view of the matter, petitioner no. 1 is directed to approach the Block Education Officer, Ramgarh Block, District Kaimur who will examine the case of the petitioner and will take appropriate steps for verification of certificates, hold counseling

and take steps for appointment of the petitioner as a physical trained teacher in the said Block. This order has been passed on the basis of the statement of the petitioner that still vacancies are available in Ramgarh Block.

With the direction aforesaid, this writ application is disposed of.

(Shivaji Pandey, J)

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