

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2048 of 2017

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1. Madhu Kumari, Daughter of Kapildeo Singh, Wife of Sunil Kumar, Resident of Village- Autapur, P.O.- Barhi Bigha, P.S.- Dhananua, District- Jehanabad (Bihar).
 2. Shashi Kant, Son of Sri Surendra Sharma, Resident of Village- Manan Bigha, P.O.- Sarta, P.S.- Paras Bigha, District- Jehanabad (Bihar).
 3. Kamlesh Kumar Pandey, Son of Sri Baleshwar Pandey, Resident of Village- Repura, P.O.- Bhergawan, P.S.- Kadirganj, District- Patna (Bihar).
 4. Vijay Kumar, Son of Sri Kaushal Kishore Pandey, Resident of Village- Mahrajchak, P.O.- Masaurhi P.S.- Masaurhi, District- Patna (Bihar).
 5. Pramod Kumar Pathak, Son of Sri Ganeshji Pathak, Resident of Village- Dhanchhuhan, P.S.- Chauri District- Bhojpur (Bihar).
 6. Anjana Kumari, Wife of Ranvir Kumar, Resident of Village- Baldeo Place, Beni Madhav Lane, G.M. Road, P.O.- Bankipur, P.S.- Pirbahore, District- Patna (Bihar).
 7. Manoj Kumar, Son of Sri Arjun Prasad Singh, Resident of Village- Lakhanpur, Lakhanpur, P.S.- Punpun, District- Patna (Bihar).
 8. Rakesh Kumar Sharma, Son of Sri Rama Shankar Sharma, Resident of Mohallah- Rai Jai Krishna Road, Mithan Ghat, Gurhatta, P.O.- Patna City, P.S.- Khajekalan, District- Patna (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
2. The Director, Secondary Education, Government of Bihar, Bihar Secondary Education Board Intermediate Council Bhawan, Budh Marg, Patna.
3. The Regional Deputy Director of Education, Patna.
4. The District Education Officer, Jehanabad.
5. The District Programme Officer (Education), Jehanabad.
6. The District Board through the D.D.C. cum CEO, Zila Parishad, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the State : Mr. P. N. Sahi, A.A.G. 6
Mr. Kameshwar Kumar, G.P. 17

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 25-04-2017

Heard learned counsel for the petitioners and, at the
request of the Court, Mr. P. N. Sahi, learned A.A.G. 6 assisted by



Mr. Kameshwar Kumar, learned counsel for the State.

2. The petitioners are aspirants for the post of Librarian in Government Schools in the district of Jehanabad and though being in the merit list have not been appointed on the ground that posts do not exist.

3. Learned counsel for the petitioners submitted that in the advertisement dated 29.08.2008, issued under the signature of the then Principal Secretary of the Human Resources Development Department, 40 posts of Librarian existed in the District of Jehanabad, but only 24 appointments have been made.

4. Learned counsel for the State submitted that as per the counter affidavit, the said posts were notified tentatively, but which was reduced to 24 on account of availability in terms of the directions given by the State as contained in the guidelines issued under notification bearing no. 1337 dated 25.08.2008. He further submitted that if at all, the petitioners are aggrieved by the exercise undertaken in terms of the guidelines issued under the aforesaid notification dated 25.08.2008, it is for the departmental authorities to go into that aspect.

5. At this stage, learned counsel for the petitioners agreed to the proposal that the matter be remanded to the Principal Secretary of the Education Department. However, he submitted that



besides the requirement of filling up the remaining vacant seats, a situation has arisen where many persons who were selected have not joined and thus there may be more seats available as of now, which may also be considered and further, that the Chairman of the Zila Parishad, Jehanabad has also requested the respondent no. 2 to fill up the remaining vacant posts.

6. Having considered the aforesaid, the writ petition stands disposed off with liberty to the petitioners to file a representation before the Principal Secretary, Education Department, Government of Bihar, Patna within two weeks from today along with a copy of this order. The petitioners shall be at liberty to request the Principal Secretary to consider their appointment taking into consideration the fact that more seats are required to be filled up, the Chairman of the Zila Parishad, Jehanabad also requesting for filling up of vacant posts and also any decision of the Court with regard to similarly situated persons. If such representation is filed within the time stipulated, the Principal Secretary, Education Department, Government of Bihar, Patna shall pass a reasoned order after hearing the petitioners or their representative, within four weeks from the date of filing such representation.

7. It is made clear that the Court has not expressed any opinion on the merits of the matter and the Principal Secretary



shall be free to independently take a decision after considering all aspects and in accordance with law.

(Ahsanuddin Amanullah, J.)

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