

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.311 of 2017

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Shabana Praveen wife of Md. Jamahir resident of village - Koriya Patti,
Devipur, P.O. - Devipur Via Ganpatganj, P.S. - Raghapur, District - Supaul.
.... Petitioner

Versus

1. The State of Bihar.
 2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
 3. The Director, Public Education-cum-Joint Secretary, Education Department, Government of Bihar, Patna.
 4. The Regional Deputy Director of Education, Koshi Division, Saharsa.
 5. The District Magistrate, Supaul.
 6. The District Education Officer, Supaul.
 7. The District Programme Officer, Middle Education, Supaul.
 8. The Block Education Officer, Raghapur, District - Supaul.
 9. The Cluster Resource Coordinator, Raghapur, District - Supaul.
 10. The Headmaster, Upgraded Middle School, Koriyapatti, Devipur, P.S. - Raghapur, District - Supaul.
 11. Managing Committee of Talmi Markaj Centre No. 25, Upgraded Middle School, Koriyapatti, Devipur (South), Illiyas Tola, P.S. + Block - Raghapur, District - Supaul.
 12. Md. Kiyam son of Md. Usman resident of village - Koriyapatti, Devipur Via Ganpatganj, P.O. - Devipur, P.S. - Raghapur, District - Supaul.
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Adv.
For the Respondent/s : Mr. Vivek Anand Amritesh, AC to SC-28
For respondent no.12 : Mr. Anil Kumar Mukund, Adv.
Mr. Purnendu Keshav, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

7 20-03-2017 Heard Mr. Amrit Abhijat, learned counsel appearing for

the petitioner, Mr. Vivek Anand Amritesh, AC to SC-28, for the

State and Mr. Anil Kumar Mukund, learned counsel for the private

respondent.

The matter relates to appointment against the post of

Talmi Markaj in Centre No. 25 in Upgraded Middle School,



Koriyapatti Devipur (South), in the district of Supaul and while it is the contention of Mr. Amrit Abhijat, learned counsel for the petitioner that the finding of the District Education Officer, as contained in his letter dated 9.9.2016 impugned herein at Annexure 12, is not in tune with the legal position, inasmuch as the qualification of Maulvi is equivalent to that of Matriculate and for which he has referred to number of documents but it is the stand of the State as well as private respondent that the qualification advertised for the post required the candidates to have a 'Matriculate' qualification and not 'Maulvi'. Even the guidelines relied upon by Mr. Amrit Abhijat, learned counsel for the petitioner, relating to the qualification for the post of Talmi Markaj present at Annexure 13 confirms that the minimum qualification required is 'Matriculate'.

It is not in dispute that while the private respondent is a 'Matriculate', the petitioner holds a 'Maulvi' qualification and seeks consideration on equivalence. The District Education Officer has taken note of the clarification issued by the Director on 23.12.2013, whereby the qualification required for such appointment has been expanded to include the qualification of 'Maulvi' also but the issue which drew the contest in favour of the private respondent is that while the selection process was



completed on 22.10.2013, the clarification has come thereafter on 23.12.2013 and thus, the clarification cannot be applied retrospectively to extend the benefit to the petitioner.

In my opinion, in the circumstances discussed, the decision of the District Education Officer suffers no infirmity warranting any interference thereon. The writ petition is dismissed.

(Jyoti Saran, J)

Surendra/-

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