

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No 3829 of 2016
IN
LPA 858 of 2016

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- 1 Birbal Yadav, son of Paras Yadav, Resident of Village – Sonkhar, PO + PS + Block – Ramnagar, District – West Champaran, Bihar
 - 2 Sattar Ansari, son of Mukhtar Ansari, Resident of Village – Sonkhar, PO + PS + Block – Ramnagar, District – West Champaran
 - 3 Subodh Kumar Mishra, son of Chandra Bhushan Mishra, Resident of Village – Math Majhariya, PO - Padaraun, PS – Gaunaha, District – West Champaran, Bihar
 - 4 Surya Bali Prasad, son of Jainath Prasad, Resident of Village + PO – Baragajwa, PS – Shikarpur, Block – Narkatiyaganj, District – West Champaran, Bihar
 - 5 Md Samiullah, son of Hazrat Ali, Resident of Village – Balirampur, PO - Bhaluwahia, PS + Block – Mainatad, District – West Champaran, Bihar
 - 6 Nagina Sah, son of Hira Sah, Resident of Village + PO – Bhitiharwa, PS + Block – Gaunaha, District – West Champaran, Bihar
 - 7 Jamalullail, son of Md Shafi, Resident of Village – Pakri Deoraj, PO – Bargon, PS + Block – Ramnagar, District – West Champaran, Bihar

.... Petitioner/s

Versus

- 1 The State of Bihar
- 2 The Principal Secretary, Mr R K Mahajan, Human Resources Development Department, Government of Bihar, Patna
- 3 Mr Ramchandra Dodu, the Director, Primary Education, Government of Bihar, Patna

.... Respondent/s

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For the Petitioner/s : Mr Vikas Ratan Bharti, Advocate
For the Respondent/s : Mr Ashutosh Ranjan Pandey, AAG 15

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE MR JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 02-03-2017

We have heard Shri Rajive Kumar Verma, learned Senior counsel and Shri Ashutosh Ranjan Pandey, learned AAG XV for the State.

2 It is not in dispute that the petitioners of this application acquired the physical training certification in the year,



2012. They pray that in the process of recruitment of about 34,500 Teachers, large numbers of vacancies for Physical Trained Teachers are still continuing. They may be considered for the same.

3 On the other hand, learned AAG XV points out that this recruitment process had started long before and once that recruitment process had started and these petitioners were ineligible at the initial period, subsequent acquisition of the eligibility would not qualify them for consideration in the process which had already been set in motion.

4 We have considered the arguments sympathetically and we are of the view that the objection, as raised by the State, is legal, correct and valid. A person, who acquires eligibility subsequently, cannot participate in the selection process which has already started because, on the day when the selection process started, he was ineligible. However, if upon completion of this exercise of recruitment, vacancies still survive, then, pursuant to the fresh selection process to be started, the petitioners should be considered in accordance with law.

5 With this observation, this application stands disposed of.

(Navaniti Prasad Singh, J)

M.E.H./-

(Vikash Jain, J)

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