

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1245 of 2015

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1. Mahesh Prasad S/o Krit Narayan Prasad Resident of Village Naugarh, P.S. Asarhi, P.S. Hilsa, District Nalanda at Biharsharif, presently working as an Assistant Teacher in Government Basic School, Uganpura, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Chapra.
5. The Regional Deputy Director of Education, Patna Division, Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 13317 of 2016

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1. Sateshwar Prasad Son of Late Rameshwar Prasad Resident of village and P.O. Masti Chak, P.S. Dariyapur, District - Saran at Chapra the Assistant Teacher, Government Basic School, Masti Chak, District - Saran at Chapra (Since Dismissed)

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The Regional Deputy Director of Education, Saran Division, Chapra
5. The District Education officer, Gopalganj, District - Gopalganj

.... Respondent/s

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Appearance :

(In CWJC No.1245 of 2015)

For the Petitioner/s : Mr. S.B.K.Mangalam, Adv.
Mr. Chandan, Adv.

For the Respondent/s : Mr.M.K. Sinha, Adv.

(In CWJC No.13317 of 2016)

For the Petitioner/s : Mr. S.B.K. Mangalam, Adv.
Mr. Anita Kumari, Adv.

For the Respondent/s : Mr. Madav Pd. Yadav- GP23

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-08-2017



The services of these petitioner in the two writ petitions has been dispensed with under the orders impugned inter alia on grounds that the name of the petitioners did not figure in the list of 903 candidates, stated to be applicants in the selection process for the post of Assistant Teachers.

This Court had occasion to notice situations where a person having the position down below in the list, was appointed but then his name figured in the list of 903 candidates and the decision to move down was in tune with the policy decision of the State Government.

In the present case while the counter affidavits filed state that these petitioners did not figure in the list and yet obtained appointment, it is the case of the petitioner in the two writ petitions that there was a waiting list of candidates and their names figured therein

Although the order in this case was reserved but since it was the specific case of the petitioners that they were also empanelled, opportunity was granted to them to establish whether they were within the category of 903 candidates or in any other list and equal opportunity was given to the other side to support their stand. It is following such liberty that the list of 903 candidates has been placed on record but the descriptive details do not match of descriptive



details of these petitioners to establish that they were within the list of 903 candidates.

Although one of the candidates herein namely Sateshwar Prasad does endeavour to say that his name was appeared at serial no. 1074 of the list but the position has been denied by the respondent to submit that the serial number so given by the petitioner is wrong because apart from the list of 903 candidates there was no other list.

That being the position, no case for indulgence is made out for interfering with the orders impugned. In the uncontested situation that the petitioners name did not figure in the select list of 903 candidates, the plea raised by them as regarding violation of principles of natural justice also would not help the petitioners, for a remand of the matter would give no different result.

The writ petitions are dismissed.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
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