

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.212 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 5064 of 2014**

- =====
1. Subhash Pandey, son of Late Kanhaiya Pandey, resident of village - Jogeyan, P.O. Kajhayne, P.S. Bikramganj, District - Rohtas
 2. Kamlesh Pandey, son of Sri Keshav Pandey, resident of village - Jogeyan, P.O. Kajhayne, P.S. Bikramganj, District - Rohtas

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna
3. The Joint Secretary, Department of Human Resources Development, Govt. of Bihar, Patna
4. The District Education Officer, Rohtas at Sasaram
5. The District Programme Officer (Establishment), Rohtas at Sasaram
6. The Chairman, District Board Cum Chairman of Secondary School Teachers Selection Committee Rohtas at Sasaram
7. The Deputy Development Commissioner Cum Chief Executive officer, District Board, Sasaram, (Rohtas)
8. The Member, District Teachers Appointment Appellate Authority, Rohtas (Sasaram)

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Prashant Kumar, Advocate
For the State : Mr. Birju Prasad, G.P. 13
For Zila Parishad : Mr. A.R. Pandey, Advocate.

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**



(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-05-2017

Seeking exception to an order dated 27.11.2014 passed by the learned Writ Court in C.W.J.C. No. 5064 of 2014, this appeal has been filed under Clause 10 of the Letters Patent.

2. In the matter of appointment as a Librarian when an order passed by the District Teachers Employment Appellate Authority in this regard was not implemented, the writ petition was filed and the Writ Court found that the appellants were admittedly over age when the advertisement was issued at the initial stage in the year 2008 but at that point they did not apply but when a circular was issued vide Annexure-2 on 16th of December, 2011, to take advantage of the circular they applied. Finding the District Teachers Employment Appellate Authority to have erroneously granted benefit to the appellants with regard to the circular (Annexure-2) issued on 16th of December, 2011 and after taking note of the circular and reproducing it in Paragraph 6, the learned Writ Court dismissed the writ petition by holding that Annexure-2 will not apply to such candidates who were not eligible and did not apply at the time of advertisement.

3. Admittedly, the appellants having not applied at the time of advertisement cannot take advantage of the circular and in dismissing the writ petition on such consideration, we are of the



considered view that the learned Writ Court has not committed any error.

4. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

P.K.P.

(Sudhir Singh, J)

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.05.2017
Transmission Date	

