

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 860 of 2015

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Edan Lalita Tilming W/o Patras Horo, R/o Village + P.O.- Bichana, District- Khhunti, (Jharkhand) Presently C/o - Sri Vasudha Singh, R/o Village- Sri Hari ji Khata, Ara P.S.- Nawadah, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Secretary Primary Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, District- Bhojpur (Ara).
5. The District Education Officer, District- Bhojpur (Ara).
6. The Chairman, Bihar Staff Selection Commission, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-12-2017

Heard learned counsel for the petitioner and Bihar Staff
Selection Commission.

2. The petitioner has moved the Court for the following
reliefs:

“(i) For issuance of writ of mandamus commanding and directing the respondents to issue appointment letter in favour of petitioner for her appointment as Primary Assistant Teacher within District of Bhojpur, pursuant to order dated 13.10.2011 passed by the Hon’ble Supreme Court in contempt petition no. 297/2007 in SLP (c) No. 22882/2004.

(ii) For issuance of any other writ, orders, directions for which the writ petitions would be found eligible and entitled under the facts and circumstances of the case.”



3. The petitioner is aggrieved by her non appointment as Primary Assistant Teacher in the district of Bhojpur pursuant to the exercise undertaken in terms of the order dated 13.10.2011 of the Hon'ble Supreme Court in Contempt Petition No. 297/2007 in SLP(C) No. 22882/2004.

4. Learned counsel for the petitioner submitted that in the district of Bhojpur, her appointment was required to be made as she belongs to the Scheduled Tribe category but in the allocation of posts for the district of Bhojpur, erroneously no seat has been allotted to the Scheduled Tribe and the same has been tagged with the General category. However, after some arguments, learned counsel submitted that in view of the notice issued by the Bihar Staff Selection Commission contained in Memo No. 3774/Aa. dated 28.11.2017, the writ petition be disposed off with liberty to the petitioner to apply for correction of the error committed by the Bihar Staff Selection Commission in preparing the list of selected candidates.

5. Learned counsel for the Bihar Staff Selection Commission agrees to the same.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioner to represent in terms of the aforesaid notice within the time prescribed. Upon the same being done, the



authorities would be obliged to consider the complaint /objection/ grievance, in accordance with law, and the relevant records/materials and then pass appropriate order. If the contention of the petitioner is found to be correct, necessary correction shall be made and consequential action taken.

7. The Court would expect that the authorities would not delay the consideration beyond a reasonable time so that the matter does not keep hanging indefinitely.

(Ahsanuddin Amanullah, J.)

P. Kumar

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