

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1638 of 2013

In

Civil Writ Jurisdiction Case No. 13668 of 2013

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Munna Singh son of Shri Baidyanath Singh, resident of Village- Dubauli,
Tole- Chakiya, P.O. - Bansohi, P.S. Mashrakh, District - Saran at Chapra

.... Appellant/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 District Education Officer, Siwan, District- Siwan
5. The District Education Officer, Gopalganj, District- Gopalganj
6. The District Teacher Employment Appellate Authority, Siwan District- Siwan through the Member
7. The Pramukh, Block Panchayat Samiti, Lakari Nabiganj-cum-Chairman, Block Teachers Selection Committee, Lakari Nabiganj, District - Siwan
8. The Block Development Officer, Lakari Nabiganj, District - Siwan
9. The Block Education Officer-cum- Secretary, Block Teachers Selection Committee, Lakari Nabiganj Block, District-Siwan
10. Ranju Devi wife of Ranjit Singh Presently Working as Block Teacher in Middle School, Madapur, Anchal - Lakari Nabiganj, District - Siwan

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Shashi Bhushan Kumar Manglam, Advocate
Mr. Ravi Ranjan, Advocate
For the State : Mr. Ravi Verma, A.C. to G.P.-4

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

3 08-03-2017 Heard learned counsel for the appellant and counsel for the State.

Vide order dated 22.7.2013, the Learned Single Judge



dismissed the writ application of the appellant refusing to interfere with the order of the District Teachers Employment Appellate Authority. He came to a conclusion after due adjudication and hearing the parties that the challenge which was made regarding appointment of Ranju Devi, who is private respondent no. 10, was misplaced, because she had a valid certification from a Medical Board, certifying her to be physically disabled to the extent of 40 per cent. The claim of this appellant that he was physically disabled and was hearing impaired was not acceptable for two reasons: that the certification had been obtained from a private so-called hospital situated in the State of West Bengal; and that during the course of hearing of the case the Members of the Tribunal carried on normal conversation with this appellant and he responded to all the queries and questions of the Tribunal in a normal fashion without any assistance. In other words, the Tribunal reached the conclusion that the certification was of procured kind and the appellant was not physically disabled, as was sought to be made out.

The learned Single Judge, therefore, refused to interfere with the order by not finding any infirmity in the conclusion reached in the said factual background.

Any claim for benefit of physical disability and



reservation can only be extended, provided such certification is given by a duly constituted Medical Board, headed by a Civil Surgeon of the District in a prescribed format and not any certification obtained from any source which can be accepted on the face value.

With these backgrounds the Court comes to a conclusion that the Learned Single Judge did no wrong by refusing to interfere with the order of the Tribunal and dismissing the writ application.

The appeal lacks merit and it is dismissed, accordingly.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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