

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12513 of 2014

=====

1. Suraj Kumar son of Sri Tetar Das resident of Mohalla - New Ambedkar Colony, Khadpur (Near Water Tower), P.O. - Mahendru, P.S. - Sultanganj, District - Patna - 800006.

.... Petitioner

Versus

1. The State of Bihar.
2. Principal Secretary, Social Welfare Department, Government of Bihar, Apna Ghar, Punaichak, Patna.
3. Director, Social Security and Disability Directorate, Social Welfare Department, House No. 31-33, Punaichak, Patna.
4. Bihar Staff Selection Commission, P.O. - Veterinary College, Patna - 800014 through its Secretary.
5. Chairman, Bihar Staff Selection Commission, P.O. - Veterinary College, Patna - 800014.
6. Secretary, Bihar Staff Selection Commission, P.O. - Veterinary College, Patna - 800014.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Gyanand Roy, Advocate.
For the Respondent/s : Mr. Kundan Bhadur Singh
For BSSC : Mr. Prabhat Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 20-11-2017 Following relief has been sought for on behalf of the
petitioner in the present writ application:-

1. For quashing the relevant part of
Advertisement No. 07070114 published
under the signature of Secretary, Bihar
Staff Selection Commission, Patna, as
contained in Annexure-1, by which online
application form for eligible candidates
have been invited in between 16.06.2014



and 22.07.2014 for filling up different posts including the post of Assistant Teacher (Matric trained) in Government Blind High Schools and Middle Schools as well as Assistant Teacher (Matric trained) in Government Deaf and Dumb Middle school controlled by the Social Security and Disability Directorate, Bihar, Patna in the pay scale of Rs. 9300-34800+ Grade pay of Rs. 4600 and Rs. 4200/- respectively.

2. For holding that for appointment on the post of Assistant Teacher (Matric trained) in Government Blind High Schools and Government Deaf and Dumb Middle school, the technical qualification has wrongly been prescribed as B.Ed. Special (visually impairment) whereas according to the qualification prescribed by the Rehabilitation Council of India, the technical qualification for appointment on the post of Assistant Teacher (Matric



trained) in Government Blind High School and Middle School) should be D.Ed. Special Education (visually impairment) (in short D.Ed. Special (V.I.) and for appointment on the post of Assistant Teacher (Matric trained) for Deaf and Dumb Middle School, prescribed technical qualification in Diploma in Teaching Young (Deaf and Hard of Hearing) (in brief DTY(DHH)).

3. For holding that in the impugned advertisement (Annexure-1) the reservation laws has also not been followed because the post of Assistant Teacher (Matric trained) in government Blind High Schools, Patna and Darbhanga and Government Blind Middle School, Bhagalpur and the post of Assistant Teacher (Matric trained) have been deserved, whereas the vacancies of these two posts have arises on account of promotion or retirement of S.C. category



candidates and according to reservations laws of the State of post, which becomes vacant on account of promotion/retirement of S.C. category candidate should have been filed from the candidates belonging to the said category.

4. For directing the respondents to modify the educational qualification and the pay scale provided in the impugned advertisement (Annexure-1) and in place of Graduate trained, the educational qualification for the post of Assistant Teacher (Matric trained) should be modified as Intermediate trained and the place of pay scale of Rs. 9300-34800+ Grade pay of Rs. 4200/- be corrected as Rs. 5200-29299+ Grade pay of Rs. 4200/-.
5. For directing the respondents to modify the impugned advertisement (Annexure-1) and the posts of Assistant Teacher of the aforementioned three schools should be reserved for the candidates of the S.C.



category and accordingly, to issue fresh advertisement after necessary modification regarding reservation.

6. for directing the respondents to modify the technical qualification in the impugned advertisement (Annexure-1) and prescribe the requisite qualification i.e. D.Ed. Special (V.I.) for the post of Assistant Teacher in Government Blind Middle School and the qualification of DTY (DHH) for the post of Assistant Teacher (Matric trained) in Government Deaf and Dumb Middle School and accordingly publish revised advertisement for appointment on the said posts.

In pursuance to the order dated 26.08.2014, the process of recruitment was stayed by this court with a direction upon the Respondent No.3, Director, Social Security and Disability Directorate, Social Welfare Department, Government of Bihar to file a counter affidavit. Counter affidavit has been filed on behalf of the respondent no.2, Principal Secretary, Social Welfare Department, Government of Bihar and respondent no.3,



Director, Social Security and Disability Directorate, Social Welfare Department, Government of Bihar.

In para-8 of the counter affidavit, it has been stated that the advertisement of the recruitment has been made in pursuance to Bihar Government Special Schools (Deaf, Dumb and Blind) Teachers Cadre Rule, 2014.

Taking into the said fact that since the advertisement of the recruitment is in accordance with rule, I find no reason to interfere in the process of recruitment, as the process of recruitment in respect to schools made for Deaf, Dumb and Blind have suffered for long period.

The present writ application stands dismissed.

The respondents are directed to complete the process of recruitment of Assistant Teachers as early as possible preferably within a period of eight months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

Amit/-

U			
---	--	--	--

