

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.504 of 2014
IN
Civil Writ Jurisdiction Case No. 7870 of 2010**

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1. Md. Afzal Hussain Ansari Son Of Md. Ayub Ansari Resident Of Village- Koili,
Block Bathnaha, P.S.- Bathnaha, District- Sitamarhi

.... Appellant/s

Versus

1. The State Of Bihar
2. The Deputy Development Commissioner, Sitamarhi
3. The Teacher Appointment/Engagement Appellate Authorities, Sitamarhi
4. The District Superintendent Of Education Sitamarhi
5. The Block Development Officer Bathnaha Sitamarhi
6. The Block Education Extension Officer, Bathnaha, District Sitamarhi
7. Pramukh, Bathnaha Block District- Sitamarhi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. MD. SHAMIMUL HODA

For the Respondent/s : Mr. PRABHAKAR TEKRIWAL

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 27-01-2017

I. A. No. 2458 of 2014, which is for condonation of delay of 58 days for filing this Letters Patent Appeal, is allowed.

Heard counsel for the appellant and learned counsel for the respondent-State.

The issue arises for consideration, besides other legal formalities / technicalities, which is coming in the way of the appellant, is whether the petitioner with a degree of "Maulvi", which is said to be equivalent to Intermediate, can get an appointment as a Block Teacher. The answer is a strict "no". With the kind of



education, which the appellant has acquired, he can only get benefit as a Urdu Teacher, provided there is vacancy of Urdu Teacher in the Block. He cannot become a general teacher and this was the issue before the Deputy Development Commissioner, who heard the appeal and decided the matter.

Since the appellant is claiming for the post of general teacher in the block with the degree he has, which may be equivalent, but does not create a right in him to be appointed as a general teacher, since there was no vacancy available for the post of Urdu Teacher. The legal battle, which the petitioner has been fighting for the last 10 years, is a futile exercise.

No interference is warranted with the order of the Learned Single Judge, which does not suffer from any illegality.

Appeal is dismissed, accordingly.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	28.01.2017
Transmission Date	

