

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.219 of 2017

Md. Shafiqullah, Son of Late Md. Idris, resident f Godam Mohallla - Ward No. 7, Nagar Panchayat Jhanjharpur, P.S. and P.O. Jhanjharpur Bazar, District - Madhubani, Presently Posted as Assistant Teacher at Upgraded Middle School, Belwatia, Hindi, Bolck Sugauli, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department f Human Resource Development, Government of Bihar
3. The Director, Bihar Educational Project Counsel (SSA), Shiksha Bhawan, Rashtra Bhasha Parishad Parisar, Saidpur, Rajendra Nagar, Patna - 4
4. The District Magistrate, Motihari, District - East Champaran
5. The District Programme officer (SSA)
6. The Principal DIET, Motihari, District East Champaran
7. The District Education officer, District - East Champaran
8. The Block Education officer, Sugauli Block, District East Champaran
9. Arun Kumar, Son of Janpati Mallick, resident f village - Mathiya Dih, P.S. Chatauni, District - East Champaran at Present Working as Educator, DIET, Motihari, East Champaran
10. Upendra Baitha, Son of Dasrath Baitha, resident of village - Gariba, P.S. Kalyanpur, District - East Champaran at Present wrking as Educator, DIET, Motihari, East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Asif Kalim, Advocate
For the State	:	Mr. Subhash Chandra Mishra- SC16
For Resp No. 3 BEPC	:	Mr. Girijesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 22-11-2017

Heard learned counsel for the petitioner and the counsel appearing on behalf of the respondents.

2. Counsel for the petitioner submits that the matter with regard to sanction of the post in the block in question has not been decided as yet by the Respondent No. 6. The respondents have invited applications and after scrutiny of the application they have proceeded ahead and prepared a select list and now they are



taking plea that the post in question has not been sanctioned by the competent authority and as such the petitioner has not been allowed posting whereas other similarly circumstanced others have been granted posting.

3. Counsel for the Respondents submits that in the absence of decision creating post in the block in question no positive direction can be issued in favour of the petitioner.

4. Considering the rival submissions of the parties and the fact that there is no decision creating post in the block in question, the Court is not in a position to grant any positive relief to the petitioner.

5. The writ petition, in the aforesaid circumstances, is disposed of with liberty to the petitioner to agitate his grievance before the Respondent No. 6 by raising the issue of discrimination and also other issues which are available to the petitioner by way of filing representation.

6. In case such a representation is filed within a month from today along with a copy of this order, the respondent No. 6 shall decide the representation positively within two months from the date of filing of the representation.

7. It goes without saying that if the petitioner's representation finds merit, the respondents will pass necessary



order in accordance with law addressing the grievance of the petitioner.

8. with the aforesaid, the writ petition is disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.11.2017
Transmission Date	

