

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12021 of 2008

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Bishnu Priya, daughter of Shri Vijai Kumar Saroj, resident of village Rahua, Police Station and District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The Collector, Samastipur
3. The District Superintendent of Education –cum- Convener of District Programme Education Project, Samastipur
4. The Block Development Officer, Warisnagar in the district of Samastipur
5. The Block Education Extension Officer, Warisnagar, in the district of Samastipur
6. The Secretary, Kasturba Gandhi Residential School, Warisnagar in the district of Samastipur
7. The Headmaster, Kasturba Gandhi Residential School, Warisnagar in the district of Samastipur
8. Shri Dharmendra Kumar Karn, son of Shri Chandra Bhushan Karn, resident of village Banha, Police Station Rahua, Warisnagar, in the district of Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad &
Ms. Vandana Singh, Advocates

For the Respondent/s : Mr. Anjani Kr 2, A.A.G. 4 with
Mr. Sunil Kr, A.C. to A.A.G. 4

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-03-2017

Heard learned counsel for the parties.

2. The petitioner was an applicant for appointment on the post of Accountant in terms of the advertisement issued by the district authorities for which she applied on 12.10.2007. Thereafter, a select list was prepared in which the petitioner was shown selected for the post of Accountant in Kasturba Gandhi Residential School, Warisnagar, in the district of Samastipur. However, appointment letter was not issued to her for which she has approached this Court.



3. Learned counsel for the petitioner submitted that in terms of the advertisement, though the post of Accountant has not been shown to be reserved for female but in the note appended, it has been mentioned that the same would be filled up by female. Learned counsel submitted that the authorities have not informed her as to why appointment letter was not given to her and in her place, respondent no. 8 has been appointed, which is illegal.

4. Learned counsel for the State submitted that in terms of the advertisement itself only the posts of Warden and two Teachers were reserved for females whereas the other posts of Accountant and Peon were not reserved exclusively for female. Learned counsel submitted that due to clerical error, in the note, it was mentioned that even the post of Accountant would be filled up by female, which was contrary to the instructions of the State Government as well as the later clarification given by the District Magistrate, Samastipur. Learned counsel submitted that this being the position, respondent no. 8 was given 8 marks and the petitioner got 4 marks and thus, he has rightly been selected. Learned counsel drew the attention of the Court to the statement made in the counter affidavit filed by respondent no. 4 to the effect that subsequently and as of now, the petitioner is working as a Teacher.

5. Having considered the rival contentions, in the



considered opinion of this Court, no interference is required. The petitioner cannot derive benefit of something mentioned in the note, when in the main body of the advertisement, the post of Accountant has not been shown to be reserved for female. The advertisement itself having been issued on the general direction by the State Government, in which only the posts of Warden and Teacher have been reserved for female, the mentioning in the note, that the post of Accountant shall also be filled up by female, would not create any right in favour of the petitioner. Further, in view of the fact that the same has later on been corrected by letter issued by the District Magistrate, Samastipur and also the fact that respondent no. 8 got much higher marks in the interview compared to the petitioner, his selection cannot be said to be arbitrary.

6. For the reasons aforesaid, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

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