

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1233 of 2015

IN

Civil Writ Jurisdiction Case No. 883 of 2014

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Poonam Kumari , aged about 42 years , D/o Devendra Prasad Singh , W/o Virchandra Prasad Singh, Resident of Village + P.O. Bishunpur Bande, Bhagwanpur, District- Vaishali at Hazipur.

....Petitioner- Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education , Tirhut Division, Muzaffarpur,
4. The District Education Officer, Viashali at Hazipur.
5. The District Programme Officer (Establishment), Vaishali at Hazipur.
6. The Block Education Officer, Block - Chehrakala, District - Vaishali at Hazipur.

.... Respondents-Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Prasad Singh, Senior Advocate
Mr. Navjot Yeshu, Advocate
Mr. Anjani Kumar, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-07-2017

Seeking exception to an order dated 19.02.2015 passed by the Writ Court in Civil Writ Jurisdiction Case No.883 of 2014; this appeal has been filed under Clause 10 of the Letters Patent.

Petitioner was a candidate, who was appointed as an Assistant Teacher and subsequently finding the petitioner to have obtained appointment by producing a medical certificate which was not proper and finding the appointment of the petitioner in the category



of a disabled person to be improper, action was taken and challenging the action, the writ petition in question was filed. When the writ petition was pending, records indicate that on 3rd February, 2015, the learned Writ Court directed the Civil Surgeon-cum-Chief Medical Officer, Vaishali to produce original file pertaining to Medical Board Proceedings with regard to assessment of disability of the petitioner and on the basis of the original material produced, the learned Writ Court found that the petitioner was initially appointed as an Assistant Teacher and when a controversy arose with regard to the disability, a decision was taken to subject the petitioner to fresh medical examination. The evidence of the Medical Board goes to show that the original disability percentage did not match with the actual disability which the petitioner possesses as per the new medical board constituted and as the petitioner was found not to come within the category to be granted appointment in the disability category, the impugned action was taken. The learned Writ Court has found that the petitioner not fit for appointment and after evaluating the original records of the Medical Board produced before him was satisfied that the petitioner was not entitled to any relief and dismissed the writ petition after imposing a cost of Rs.5,000/-.

Taking note of the detailed examination made by the Writ Court which includes the original Medical Board proceedings, we are



not inclined to interfere into the matter. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

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CAV DATE	NA
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