

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3910 of 2017

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1. Rakhi Kumari W/o - Shashi Bhushan Prasad, D/o - Nand Kishore Prasad Main Road Maner Paroo, P.O. - Maner, P.S. Maner, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
2. The Director (Primary Education), Human Resources Development Department, Govt. of Bihar, Patna.
3. The District Magistrate of Bhojpur, District - Bhojpur (Ara).
4. The District Education Officer, (D.E.O.) of Bhojpur, District - Bhojpur (Ara).
5. The Block Education Officer at Koilwar Block, District - Bhojpur (Ara).
6. The Circle Officer of Koilwar, District - Bhojpur.
7. The Executive Officer, Nagar Panchayat Koilwar, Bhojpur.
8. The Secretary, Nagar Panchayat Koilwar, District - Bhojpur.
9. The Chaiman of Nagar Panchayat Koilwar, District - Bhojpur.
10. The All member of Selection Committee, Nagar Panchayat Koilwar, Block - Koilwar, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Respondent/s : Mr. A.R. PANDEY- AAG15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 21-03-2018

Heard learned counsel for the petitioner, counsel appearing on behalf of the State.

Petitioner has filed the present writ application for a direction to the respondents to consider the case of the petitioner for appointment on the post of Nagar Panchayat Teacher as per the merit list prepared by the Nagar Panchayat Koilwar, District-Bhojpur for trained teacher.

A counter affidavit on behalf of the respondent No.4 has been filed wherein the respondent No.4 has shifted burden on the respondent No.7. At paragraph 6, stand was taken by the District Education Officer, Bhojpur at Ara that on 19.09.2017 he has issued direction to the Executive Officer-cum-



Secretary, Nagar Panchayat, Koilwar in the matter of appointment of Nagar Panchayat teacher.

From perusal of the averments in para 6 to 12 of the counter affidavit, it appears that the respondents are in fact taking refuge to blame game. One respondent is passing buck on the other respondent without addressing the grievance of the petitioner in the right perspective. From the counter affidavit, it appears that the failure is on the part of the respondent in addressing the grievance due to lack of issuance of guidelines from the Department. In para 15, stand has been taken as soon as the Selection Committee Nagar Panchayat will receive the guideline from the authority concerned, the process of selection of the petitioner will be done according to rule. Thus, from facts of this, it appears that failure on the part of these respondents in providing guidelines which resultant indecisiveness.

Under the aforesaid circumstances, this writ application is disposed of with a direction to the respondent No.2 who is required to pass appropriate order / issue appropriate direction so that the case of the petitioner is finally decided one way or the other within a maximum period of 60 days from the date of receipt of a copy of this order.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

