

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1715 of 2017

IN

Civil Writ Jurisdiction Case No. 12513 of 2014

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Suraj Kumar, son of Sri Tetar Das, resident of Mohalla - New Ambedkar Colony, Khadpur (Near Water Tower), P.O. - Mahendru, P.S. - Sultanganj, District - Patna - 800006.

.... Petitioner/Appellant

Versus

1. The State of Bihar.
2. Principal Secretary, Social Welfare Department, Government of Bihar, Apna Ghar, Punaichak, Patna.
3. Director, Social Security and Disability Directorate, Social Welfare Department, House No. 31-33, Punaichak, Patna.
4. Bihar Staff Selection Commission, P.O. - Veterinary College, Patna - 800014 through its Secretary.
5. Chairman, Bihar Staff Selection Commission, P.O. - Veterinary College, Patna - 800014.
6. Secretary, Bihar Staff Selection Commission, P.O. - Veterinary College, Patna - 800014.

.... respondents/ Respondent/s

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Appearance :

For the Appellant/s : Mr. Gyanand Roy, Advocate

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG 8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-04-2018

Seeking exception to an order dated 20th November, 2017 passed by the learned Writ Court in CWJC No. 12513 of 2014 this appeal under Clause 10 of the Letters Patent has been filed.

In pursuance to an advertisement issued by the Secretary, Bihar Staff Selection Commission, Patna, the petitioner submitted his candidature for appointment as an Assistant Teacher (Matric Trained)



in Government Blind High Schools and Middle Schools as well as in Government Deaf and Dumb Middle School controlled by the Social Security and Disability Directorate, Bihar, Patna. The petitioner challenged the technical qualification wrongly mentioned as B.Ed. Special (Visually Impairment) and other stipulations made in the advertisement in question. The learned Writ Court found that the petitioner was not eligible and dismissed the writ petition.

Now, having heard learned counsel we find that the recruitment in question is to be held in accordance to the provisions of the Bihar Government Special Schools (Deaf, Dumb and Blind) Teachers Cadre Rule, 2014 and under Clause 7(a) the qualification prescribed for appointment is that the candidate has to be Graduate from a recognized University with pass in two years Regular Diploma in Special B.Ed.(Blind/Deaf & Dumb). The appellant challenges the second part of the stipulation by contending that he is a regular Diploma-holder in D.Ed. Special and qualified for appointment. However, we find that Clause 7(a) stipulates that the candidate is also required to be a Degree-holder from a recognized University and, admittedly, the appellant does not fulfill this criteria under Clause 7(a) of being a Graduate from a recognized University and then the special qualification under sub-clause (b) of Clause 7 of the Rules.

In view of the above, as the appellant does not fulfill the



requisite qualification, we do not find any error in the order passed by the learned Writ Court warranting reconsideration.

The appeal is therefore dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

mr./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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