

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11867 of 2014

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Kamlesh Roy, Son of Shakaldeep Roy, resident of Mohalla- Minapur, P.S.-
Nagar Hazipur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director (Primary Education), Education Department, Govt. of Bihar,
Patna
3. The District Programme Officer (Establishment), Vaishali
4. The District Education Officer, Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Advocate
For the Respondent/s : Mr. AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 29-08-2018

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

The petitioner is aggrieved by the order dated
31.10.2013, Annexure-1, whereby the service of the petitioner was
terminated on the ground that his per centage of disability is only
10%, whereas the requirement is 40% for appointment in the
disable category.

Learned counsel for the petitioner disputes the fact that
the petitioner was appointed in the disable category.

On behalf of the respondents counter affidavit has been
filed taking stand that the petitioner has submitted a disability
certificate of 45% and on that basis he was considered for
appointment.



In view of the dispute raised that the petitioner was never appointed under the disable category, the matter is remitted back to the authorities to examine whether the petitioner was appointed under the disable category and if it is found that he was not appointed under the disable category but on the basis of merits, the respondents may pass appropriate order considering merit position of the petitioner. In case he was appointed under the disable category and he does not fulfill the required criteria, the order contained in Annexure-1 need not be disturbed.

Since the matter has been remitted back to the authority concerned, the order as contained in Annexure-1 shall be kept in abeyance till final decision in the matter. The consequential benefits will abide by the final outcome of the decision afresh by the authority concerned. The decision in this regard must be taken by the respondents within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	

