

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1305 of 2017

In

Civil Writ Jurisdiction Case No.13317 of 2016

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Sateshwar Prasad S/o Late Rameshwar Prasad R/o Vill + P.O. - Mastichak,
P.S. - Dariyapur, Distt. - Saran at Chapra, the Assistant Teacher, Government
Basic School, Mastichak, Distt - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran Division, Chhapra.
5. The District Education Officer, Gopalganj, Distt - Gopalganj.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Tej Bahadur Singh, Senior Advocate
Mr. Chandra Shekhar Singh, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey - Aag15

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 07-05-2018

Heard learned senior counsel for the appellant and
learned Additional Advocate General No.15 for the State.

The facts speaks for itself. The reason why the learned
single Judge refused to pass any order in favour of the appellant
was because he did not come within the zone of consideration of
the list of 903 candidates, which were shortlisted for appointment
as Assistant Teacher.



Merely because some kind of an effort was made to show that they were somewhere in the list, may be the wait list, that may not be good enough for success for the reason that no candidate beyond 903 were required to be appointed and selected.

Since the manner in which such appointments were done on the post of Assistant Teacher then was also matter of enquiry by the Vigilance etc. and it was found that not everything was honky dory in the manner of such appointments. That too casts its shadow on the appointment or claim for appointment.

In view of the above factual position and controversial facts, this Court is not inclined to interfere with the impugned order dated 16.08.2017 passed by a learned single Judge in C.W.J.C. No. 13317 of 2016.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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