

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1902 of 2016

IN

Civil Writ Jurisdiction Case No. 222 of 2012

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Sobha Kumari D/o Late Chandrika Prasad, W/o Jitendra Prasad Resident of Village
Athu Mohan (Kanhwa Tola), Post Office - Amwa, Police Station - Jaruakhar, Block
Ghorasahan, District - East Champaran at Motihari.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Govt. of Bihar,
Patna.
4. The Member East Champaran Teachers Appointment Appellate Authority at
Motihari.
5. The District Magistrate East Champaran at Motihari.
6. The District Education Officer, East Champaran at Motihari.
7. The District Programme Officer (Establishment), East Champaran at Motihari.
8. The Block Education Officer, Ghorasahan, District East Champaran at
Motihari.
9. The Mukhia/Secondary, Sripur Gram Panchayat Block Ghorasahan, District
East Champaran at Motihari.
10. Amod Kumar Singh S/o Mahendra Singh resident of Village Sripur (Khash),
Block Ghorasahan, District East Champaran at Motihari.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jitendra Kumar Roy, Adv.

For the Respondent/s : Mr. Ashutosh Ranjan Pandey-AAG-15

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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: 03-01-2018

Heard learned counsel for the appellant, learned counsel
for the State as well as learned counsel for the private respondent.

Perused the order dated 09.08.2016 which is subject matter
of challenge in the present Letters Patent Appeal.

Submission of the counsel for the appellant has been



fallacious right through and even now the reservation which has been provided for female candidates has to be seen in the context of the percentage of reservation which is required to be provided in the roster. It is the overall roster point where the reservation has to be taken into consideration and not for every kind of advertisement or the roster which has been offered for appointment in a village Panchayat.

The overall roster position with regard to the selection and appointment in relation to the Panchayat in question, provides for reservation for women and if the appellant is looking for reservation to the extent of 50% against the roster point then it is reading much more into the rules of reservation than which is available for such appointment.

One has to take into consideration the totality of the roster and not the roster which has been made for such appointment.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Devendra

AFR/NAFR	NAFR
CAV DATE	NA
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