

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16712 of 2014

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1. Nitish Kumar S/o Vishnudev Prasad Yadav, resident of village- Bahuarba, P.S. Banma Itahri, District- Saharsa
 2. Bhushan Bharti S/o Lal Bihari Yadav, resident of Mohalla- Batraha Ward No. 25, Saharsa, P.S. Saharsa, District- Saharsa
 3. Md. Ismatullah S/o Md. Ilias, resident of village- Bhelahi, P.S. Jalai, District- Saharsa
 4. Vijay Kumar S/o Bechan Sharma, resident of village- Amarpur, P.S.- Sonbarsa Kachahari, District- Saharsa
 5. Sanjay Kumar S/o Raj Kishore Singh, reside of Mohalla- Santnagar, Ward no. 15, Saharsa, P.S. Saharsa, District- Saharsa
 6. Ajit Kumar S/o Haldhar Prasad Singh, resident of Mohalla- Gautam Nagar, Ward No. 11, Saharsa, P.S. Saharsa, District- Saharsa
 7. Ashok Kumar S/o Jagdish Mehta resident of village- Baijnathpur, P.S.- Sour- Bazar, District- Saharsa
 8. Mukesh Kumar S/o Laxman Prasad Yadav, resident of village- Naya Tola, P.S.- Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Secondary Education, Government of Bihar, Patna
4. The Bihar School Examination Board (Higher Secondary) through its Secretary, Budh Marg, Patna
5. The Secretary, Bihar School Examination Board(Higher Secondary), Budh Marg, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar
For the Respondent/s	:	Mr. AC to SC-11
For Bihar School Examination Board	:	Mr. Ajay Bihari Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 04-10-2018 This case has been taken up on different dates but unfortunately no one appeared. As a matter of last indulgence, the case was directed to be listed under heading for dismissal to provide one more opportunity to the counsel for the petitioner



but unfortunately no one has appeared on behalf of the petitioner. Under the aforesaid circumstance the Court is constrained to decide the writ petition on the basis of material available on the record. The petitioners have filed the present application for a direction to the respondent to allow them to participate in counselling process and appoint the petitioners on the post of Secondary Teachers in response to advertisement No. 31 of 2011. The claim of the petitioners is that they were selected on the post of Senior Secondary Teachers. It is to be noted that eligibility test is only for the purpose of testing the minimum eligible qualification and individual on passing eligibility test does not acquire indefeasible right to appointment. On the strength of passing TET, petitioners cannot claim appointment on the post of teachers. It is only eligibility condition and on acquiring eligibility petitioner may be considered. Petitioners are claiming that they appeared at the eligibility test and they have cleared the same in the re-examination held on 2013 and on that basis they sought direction of this Court for their appointment as teachers in the Saharsa District as indicated hereinabove. Eligibility test does not confer any indefeasible right to appointment.

Considering the aforesaid, it is not a fit case to issue



positive direction for counselling and appointment. The Court does not find any merit in the present application. Accordingly, the instant writ application is dismissed.

(Anil Kumar Upadhyay, J)

T.Kr./-

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