

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16123 of 2016

Navneet Kumar Chaudhary Son of Kameshwar Chaudhary Resident of
Village - Khangura, P.O. - Khangura, P.S. - Katra, District - Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director (Secondary Education), Department of Education, Government of Bihar, Patna.
3. The District Education Officer, Madhubani.
4. The District Programme Officer (Establishment), Madhubani.
5. The Zila Parishad Madhubani through the Chief Executive Officer
6. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Madhubani.
7. The Executive Officer, Zila Parishad, Madhubani.
8. The Bihar School Examination Board, Patna through its Secretary.
9. The Secretary, Bihar School Examination Board, Patna.
10. Krishna Kumar Yadav Son of Shri Narayan Yadav Resident of Village - Vasawariya, P.O. + P.S. - Saharaghat, District - Madhubani.
11. Kundan Kumar Son of Arbind Kumar Chaudhary Resident of Village - Sundarkhauti, P.O. - Basua, P.S. - Aurai, District - Muzaffarpur.
12. Niraj Kumar Karn Son of Ramawtar Lal Das Resident of Village - Ghonghiya, P.O. - Lakshmanpur, P.S. - Bahesa, District - Darbhanga.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Tej Bahadur Singh, Senior Advocate Mrs Shashi Priya Pathak, Advocate
For the State	:	Mr. Umesh Narayan Dubey, AC to Gp27
For the Board	:	Mr. Ajay Bihari Sinha, Advocate Seema Ghazala, Advocate
For respondents no. 10 & 11 :	:	Mr. Gagandeo Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-12-2018 Heard learned senior counsel for the petitioner as well
as learned counsel for the respondents.

It is submitted by learned senior counsel for the
petitioner that in the matter of appointment of Higher Secondary
School Teacher (Computer), Zila Parishad, Madhubani,
respondents no. 10, 11 & 12 who acquired qualification after



20.9.2011 have been selected for appointment, ignoring the case of the petitioner who was eligible and had acquired qualification prior to the said cut off date.

Information in this regard was obtained on 26.8.2016. In spite of information being received on 26.8.2016, till date there is no averment that the same was ever brought to the notice of the Executive officer, Zila Parishad. Without ever approaching the authorities, the petitioner has directly rushed to this Court. In the facts of the case, there is no occasion for this Court to presume that the Executive officer, Zila Parishad would not take steps to revise and correct the merit list as per requirement taking into consideration the cut off date; as has been done by Zila Parishad, Patna (annexure 8), if the situation so warrants.

There is no demand and refusal by the authorities before coming to this Court. In the circumstances, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India. Learned senior counsel for the petitioner submits that the petitioner would be approaching respondent no.7 raising his grievance.

Needless to say, that if the same is done, decision would be taken by respondent no.7 after hearing the parties in



accordance with law.

The writ petition stands disposed of with the aforesaid observations.

(Madhuresh Prasad, J)

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