

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.818 of 2018

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Sanjay Kumar Asthana son of Sri Nand Kishore Prasad Resident of Village Gandhi Nagar (Bhuidhara) P.O. Dhurlakh Anchal + P.S. Samastipur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Director, Secondary Education, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The District Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Sitamarhi.
4. The District Education Officer, Sitamarhi.
5. The District Programme Officer (Establishment), Sitamarhi.
6. The District Programme Officer (Sarva Shiksha Abhiyan), Sitamarhi.
7. The Sub-Divisional Public Grievance Redressal Officer, Pupri, District - Sitamarhi.
8. The Chairman, Zila Parishad, Sitamarhi.
9. The Zila Parishad Teacher Niyogan Unit (Secondary/Higher Secondary), Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Singh

For the Respondent/s : Mr. Jitendra kr. Roy No-1-SC-13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 05-09-2018

The petitioner by way of the present writ petition has prayed for directing the respondents to issue the appointment letter/publish the result of the successful candidates who have been selected as Sangit teacher in Secondary School under Zila Parishad, Sitamarhi.

The learned counsel for the Zila Parishad has filed a counter affidavit and has submitted that the entire selection process has been stayed in view of the letter of the State Government dated



04.04.2017 (Annexure-A to the counter affidavit) whereby and whereunder it has been directed that in cases where the process for appointment of Sangit Teacher has not been initiated, the process of selection would remain stayed.

The learned counsel for the Zila Parishad, Shri Shailendra Kumar Singh has submitted that the said direction of the State Government contained in letter dated 04.04.2017 has precluded the Zila Parishad from issuing the call letter.

I have heard the learned counsel for the Zila Parishad and have gone through the materials on record and I find that there is no impediment in the said letter of the State Government dated 04.04.2017 as far as the present case is concerned, inasmuch as the selection process has started towards the end of the year 2015 itself i.e. much before the issuance of the said letter dated 04.04.2017.

In such view of the matter, the Zila Parishad should seek fresh advice from the State Government as to what has to be done in a case in which the selection process started much prior to the issuance of the aforesaid letter dated 04.04.2017 and act accordingly.

Having regard to the facts and circumstances of the case, the present writ petition is disposed of with a direction to the Zila Parishad to seek fresh advice from the State Government with regard to the mode to be followed for the purposes of issuing call



letters/appointment letters in a case as the present one. The necessary action should be taken by the Zila Parishad within a period of three weeks from today and the State Government should submit its advice within a period of four weeks thereafter, so as to complete the entire selection process within a period of eight weeks from today.

(Mohit Kumar Shah, J)

BTiwary/Md. Rashid

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2018
Transmission Date	

