

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5836 of 2019

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Sarita Devi, Daughter of Sheo Parsan Paswan, resident of Village- Bhaluni,
Post Office- Ghordiha, Police Station- Kargahar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, New Secretariat Building, Bailey Road, Patna-800001.
2. The District Magistrate, Rohtas at Sasaram.
3. The District Education Officer, Rohtas (Sasaram).
4. The District Teachers Employment Appellate Tribunals, Rohtas at Sasaram.
5. District Program Officer, Rohtas (Sasaram).
6. The Block Development Officer, Kargahar, District- Rohtas at Sasaram.
7. Block Education Officer, Kharghar Block PO and PS- Kargahar, District- Rohtas.
8. The Mukhiya, Gram Panchayat Ararua Block Kargahar, District- Rohtas at Sasaram.
9. The Panchayat Secretary, Gram Panchayat Ararua Kargahar, District- Rohtas at Sasaram.
10. Rita Devi, Wife of Bishnu Dayal Paswan, resident of Village- Bhadaula, Police Station- Kudra, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Saroj Kumar, Advocate
For the Respondent/s	:	Mr.Prabhat Ranjan Singh, AC to AAG-15
For respondent no.10	:	Mr. S. K. Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 13-08-2019 Petitioner is aggrieved by the order passed by the District Teachers Employment Authority dated 30.06.2014 in Appeal no. 6 of 2013 and the State Appellate Authority dated 17.12.2018 in Appeal no. 77 of 2018.

Learned counsel for the petitioner submits that the respondents have granted the benefit of 20% instead of 20



marks for work. He place reliance on the judgment of the Division Bench in the case of reported in **2014 (3) PLJR 606**.

In view of the judgment of this Court awarding 20% marks for experience is erroneous. In fact by granting benefit of 20% weightage for work experience, the petitioner has been placed above the merit list.

Learned counsel for the respondents submits that in the district 20% marks was allotted to all and as such granting benefit of 20% to the petitioner does not suffer from any infirmity.

In view of the judgment of the Division Bench granting 20% marks is wrong and no person including the respondent can avail 20% marks for experience in selection process i.e. in the preparation of merit list.

Learned counsel for the State is not able to make positive statement that the petitioner, who was earlier working as Panchayat Teacher was given notice as to fresh counselling.

Under the aforesaid circumstance, the order of the Appellate Authority and the State Appellate Authority are quashed. The employment unit is directed to proceed afresh by granting 20 marks instead of 20% marks for experience and thereafter provide opportunity of counselling to all by way of



registered notice within a period of one month from today and thereafter the employment unit will take appropriate decision in the matter of appointment within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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