

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.121 of 2019

In
Civil Writ Jurisdiction Case No.14549 of 2017

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Md. Abu Kamar @ Md. Abu Quamar Son of Md. Sultan Ahmad R/o Village-
Mohanpur tola Ullusrahi, P.S.-Balwahat, P.O.-Bakhtiyarpur, District-Saharsa
... .. Petitioner/s

Versus

1. Nand Lal Paswan Son of Guneshwar Paswan R/o Village-Nauranga, Post-Keshav Nagar, P.S.-Choutham, District-Khagaria
2. The State of Bihar Bihar
3. The Principal Secretary Human Resources Department, Bihar, Patna
4. The Director Primary Education, Human Resources Department, Govt. of Bihar, Patna
5. The District Magistrate Saharsa
6. The District Programme Officer (Establishment) Saharsa
7. The District Education Officer Saharsa
8. The Sub-Divisional Officer Simri Bakhtiyarpur, Sub Division Saharsa
9. The Block Development Officer Simri Bakhtiyarpur, Block Simri Bakhtiyarpur, District-Saharsa
10. The Block Education Officer Simri Bakhtiyarpur, Block-Simri Bakhtiyarpur, District-Saharsa
11. In-charge Officer Law Branch, Saharsa
12. Mohanpur Gram Panchayat through the Panchayat Secretary-cum-Member Secretary, Panchayat Niyojan Siksha Samittee Mohanpur Panchayat, P.O.-Balwahat, P.S. Balwahat, P.S.-Bakhtiyarpur, District-Saharsa
13. Mukhiya Mohanpur Gram Panchayat, P.O. Balwahat, P.S. Bakhtiyarpur, District-Saharsa
14. Chitranjan Kumar Singh Son of Tarkeshwar Singh R/o Village-Mohanpur, P.O. Balwahat, P.S.-Bakhtiyarpur, District-Saharsa
15. Kundan Kumar Son of Satya Nand Roy R/o Village-Mohanpur, P.O. Balwahat, P.S.-Bakhtiyarpur, District-Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hoda, Adv.
For the Opposite Party/s : Mr. Ashutosh Ranjan Pandey, AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 17-07-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.



The review application has been filed on behalf of Mr. Abu Kamar @ Md. Abu Quamar against the order in C.W.J.C. No. 14549 of 2017. Review petitioner was respondent no.16 in C.W.J.C. NO. 14549 of 2017 but he has chosen not to contest the writ petition despite valid service of notice.

Learned counsel appearing on behalf of review petitioner submits that post in question belong to Urdu Teacher and without considering this aspect the writ court has passed the order in C.W.J.C. No. 14549 of 2017. The order of the writ court is quoted herein below:-

“Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is confined to consideration of his case against the vacancy of scheduled caste category.

Learned counsel for the petitioner submits that pursuant to the direction of this court, a fresh selection process was conducted as against two vacancies of scheduled caste and the name of petitioner is at sl.2. He further submitted that the person at sl.1 in the scheduled caste category has refused and as such in all fairness the authorities ought to have considered the case of the petitioner considering merit position and the available vacancy.

In view of the above, the respondents are directed to examine the claim of the petitioner and if it is found that there exist two vacancies for scheduled caste category and the petitioner is at sl.2 in the scheduled caste category, the case of the petitioner may



vacancy of scheduled caste category. In addition thereto, the respondents are also directed to examine the correctness of the averments made by the petitioner that in view of the fact that at sl.1 has not joined the resulted vacancy is available for consideration of appointment at sl.2, the respondents are hereby directed to ascertain whether the petitioner is in sl.2 at the merit list of scheduled caste category and whether at sl.1 in the scheduled caste category has refused to join or not. In the event if the petitioner is at sl.2 and there exist two vacancies and the person at sl.1 in the scheduled caste category has refused to join, the respondents are required to consider the case of the petitioner for appointment against the available vacancy of schedule caste category within a period sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.”

This Court has not issued any direction to consider the case of this petitioner against the post falling in the category of Urdu Teacher. Therefore, the review petition filed on behalf of review petitioner is misconceived and it is accordingly dismissed.

(Anil Kumar Upadhyay, J)

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