

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15217 of 2015

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Shabbir Ahamad son of late Zainuddin Ahmad resident of village - Jasauli
Murgia Tola, Police Station - Pachrukhi, District - Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Deputy Development Commissioner-cum-Chairman, District Education
Establishment Committee, Siwan
5. The District Education Officer, Siwan.
6. The District Programme Officer Establishment, Siwan.
7. The Prakhanda Pramukh, Pachrukhi Prakhanda, District - Siwan.
8. The Block Development Officer, Pachrukhi, District - Siwan.
9. The Block Education Officer, Pachrukhi, District - Siwan.
10. The Member, District Teacher's Employment Appellate Authority, Siwan.
11. Rajesh Kumar Singh son of Rajendra Singh resident of village - Nautan,
Police Station - Vijayepur, District - Gopalganj, at present posted and
working as Prakhanda Teacher in Govt. upgraded middle school Chaumukha,
Anchal Pachrukhi, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the State	:	Mr. Subodh Kumar, A.C. to S.C. 26
For the Respondent 11	:	Mr. Ajay Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-07-2019 Heard learned counsel for the petitioner and learned

counsel for the respondent State as well as the learned counsel

appearing for Respondent No. 11.

The petitioner has challenged the appointment of

Respondent No. 11. Earlier he has approached this Court in

C.W.J.C. No. 5690 of 2013, which was disposed of vide order



dated 20.06.2014. The Writ Court directed the Collector, District Siwan to see the complaint made by the petitioner with regard to the appointment of one Rajesh Kumar Singh, S/o. Rajendra Singh. After the order of the Writ Court, the Collector, District Siwan has made thorough enquiry and after hearing the Respondent No. 11, rejected the claim of the petitioner. All the three objections raised by the petitioner have been considered by the District Magistrate, and a reasoned order has been passed.

The Court, in the aforesaid circumstances, is not inclined to interfere with the order passed by the District Magistrate, Siwan.

Mr. Umesh Kumar Mishra, learned counsel for the petitioner, would submit that the Respondent No. 11 is not resident of the State of Bihar as the certificates of Educational Institutions shows that he is a permanent resident of District Deoria, Uttar Pradesh and he has got a fake Residence Certificate issued by the Sub Divisional Officer, Hathua, Gopalganj.

Learned counsel for the petitioner further refers to a Division Bench Judgement of this Hon'ble Court to contend that resident of Bihar is essential requirement for the post of



Prakhand Teacher. The District Magistrate on consideration of material held out that the petitioner is a resident of State of Bihar.

In the above, the Court is of considered view that the requirement of residence stands fulfilled by the Respondent No. 11 in the matter of appointment, therefore, the Court do not find any infirmity in the appointment of the Respondent No. 11.

So far as the allegation as to using the Teachers Training Certificate of the year 2009 by the Respondent No. 11 is concerned, the Certificate has been verified by the District Magistrate with reference to the verification report. The finding recorded by the District Magistrate is after thorough verification.

So far as the claim of the petitioner that the Respondent No. 11 is not physically challenged, the issue was earlier considered by the Medical Board however, for added credibility in this regard, the Court directs the District Magistrate to refer the case of the Respondent No. 11 before the Medical Board afresh. The Medical Board shall verify the physical disability of Respondent No. 11 and send the report to the District Magistrate, Siwan, within a period of 60 days and the District Magistrate shall take appropriate decision on the



point of disability of the Respondent No. 11 within a further period of 60 days.

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

(Anil Kumar Upadhyay, J)

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