

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12732 of 2018

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Tajrun Nisha W/o Mohammad Zaffar Hussain, D/o Abdul Bahab resident of Village- Mirjapur Basant urf Bishunpur Umapat, Block- Aurai, District- Muzaffarpur was working as Talimi Markaj Siksha Swamsevi in Primary School, Mirjapur Urdu, Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Education Department, Bihar, Patna.
3. The Director, Public Education, Bihar, Patna.
4. The Collector, Muzaffarpur.
5. The District Education Officer, Literacy, Muzaffarpur.
6. The District Program Officer, Secondary Education and Literacy, Muzaffarpur.
7. The Block Education Officer, Aurai, Muzaffarpur.
8. The Headmaster cum Member Secretary, Selection/ Steering Committee, Primary School, Mirjapur Urdu,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj
For the Respondent/s : Mr. Mukund Mohan Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 24-06-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Petitioner is aggrieved by the order contained in Annexure-1 whereby service of the petitioner was dispensed with.

Learned counsel for the petitioner submits that before taking decision, the respondents have considered report of the enquiry committee. The enquiry committee enquired into the



matter and submitted report indicating the fault in the selection of the petitioner that necessary seven days time was not provided in inviting the application.

Learned counsel for the petitioner has drawn attention of this court to Annexure-2 at page 21, it appears that District Programme Officer(Literacy), Muzaffarpur has issued guideline for selection of Talim Markaz. For constitution of selection committee and inviting application 1.12.2014 was fixed and the last dated for submission of application was 4.12.2014 which was strictly followed by the selection unit notwithstanding adhering to the guideline issued by the District Programme Officer (Literacy), Muzaffarpur, the petitioner was dismissed on the ground that seven days time was not followed in the matter of inviting the application and as such they have found the appointment of the petitioner illegal and condemned the petitioner on that basis.

Considering the guideline issued by the District Programme Officer, Muzaffarpur the Court is of the view that the selection of the petitioner cannot be faulted on the ground that seven days time was not followed in the process of inviting application. The decision to dismiss the service of the petitioner on the ground of aforesaid infirmity cannot sustain as it is



contrary to Annexure-2.

In view of the above, the order contained in Annexure
-1 is quashed. The writ petition is allowed accordingly.

(Anil Kumar Upadhyay, J)

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