

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5444 of 2015

Samina Khatoon daughter of late Haidar Ali Khan, Wife of Nahid Raza Khan,
village- Muslim Tola Rajanpura, P.O- Rajanpura, P.S.- M.H. Nagar, District-
Siwan Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Magistrate, Siwan
5. The District Education Officer, Siwan
6. The District Programme Officer Primary Education and Sarv Shiksha Abhiyan, Bihar Education Project
7. The Block Development Officer, Hasanpura, District- Siwan
8. The Block Education Officer, Hasanpura, Block- Hasanpura, District- Siwan.
9. Noorsaba Khatoon, wife of Raunak Ali Khan, village- Muslim Tola Rajanpura, P.O- Rajanpura, P.S.- M.H. Nagar, District- Siwan.

... ... Respondents

Appearance :

For the Petitioner : Mr. Umesh Kumar Mishra, Advocate
For the Respondents : Mr. Tej Pratap Singh, AC to AAG 13

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-01-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Learned counsel for the petitioner submits that the petitioner was an applicant for the post of Siksha Swayam Sevi under Tailimi Markaj (Tola Sevak) in Gram Panchayat Raj Rajanpura, Block Hasanpura. It is her submission that she was the better candidate having 69.2% marks in Intermediate than one Noorsaba Khatoon (respondent no.9) having only 64.2% marks who has been selected.

Learned counsel for the petitioner draws attention of the Court towards the merit list prepared for forwarding the



candidates for counselling. Three candidates were forwarded for counselling as is apparent from the merits list dated 11.8.2014 and 16.8.2014 which are relied upon by the petitioner.

From the merit list dated 16.8.2014 it is apparent that the date of counselling had been fixed on 19.8.2014 as the same is distinctly mentioned in the result. On 19.8.2014 petitioner was not present at the time of counselling as is apparent from the proceedings of the Committee constituted for the selection in question which is also on record. Proceedings dated 19.8.2014 pursuant to the counselling, records petitioner's absence on the said date. Since reliance has been placed by the petitioner on the merit list 16.8.2014 she cannot take plea of ignorance of the fact about the date, i.e., 19.08.2014 fixed for counselling. She was absent on 19.8.2014. Two months thereafter she filed an application under the Right to Information Act and on the said basis she has made allegation that she was falsely denied the selection in question by showing her absence.

Such plea of the petitioner does not appear to be tenable in the facts of the case. State has filed counter affidavit. Their specific stand is that in the proceedings of the selection dated 11.8.2014, 16.8.2014 and 19.8.2014 (annexures 6 series) the petitioner did not participate in the counselling held on the



fixed dated 19.8.2014 when respondent no.9 was selected. In view of the aforesaid lapse on the part of the petitioner as she had consciously not participated in the date fixed for counselling on 19.8.2014, prayer of the petitioner is therefore devoid of merit and is dismissed.

(Madhuresh Prasad, J)

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