

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15718 of 2019

1. Dharmendra Kumar Paswan S/o Sahdeo Paswan, Resident of Village Gandhi Tola, PO Manihari, P.S. Manihari, Dist. Katihar
2. Shankar Paswan S/o Bindeshwari Paswan Resident of Village Kulla Khas, PO Kula Khas, PS Kaswa, Dist. Purnea
3. Ajay Kumar Sah S/o Late Rash Bihari Sah, Resident of Vilalge Manihari High School, Road No.12, Po and PS Manihari, Dist. Katihari
4. Pankaj Kuamr S/o Jagarnath Paswan, Resident of Station Colony, PO and PS Manihari, Dist. Katiahar
5. Sambhu Baskor S/o Yogendra Baskor, Station Colony, PO and PS Manihari, Dist. Katihar
6. Md. Rakib S/o Soukat Ali, Resident of Village Maniharpur, PO Narayanpur, PS Manihari, Dist. Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna
3. The Director Primary Education Govt. of Bihar, Patna
4. The District Education Officer, Katihar, Dist. Katihar
5. The District Programme Officer (Establishment), East Champaran, Motihari
6. The Block Education Officer, Balrampur, Dist. Katihar
7. The Member District Teachers Employment Appellate Authority, Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey
For the Respondent/s : Mr. Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 18-10-2019 Heard learned counsel for the petitioners and the

counsel appearing on behalf of the State.

2. Grievance of the petitioners in the present writ

application is arbitrariness and discrimination in the selection



process adopted by the respondents.

3. Learned counsel for the petitioners submits that the selection process commenced in 2008 but it has not been crystallized in actual appointment and due to certain controversy the selection process remain pending.

4. Learned counsel submits that the State Government has taken policy decision that for any reason if the selection has not been completed then the same selection may continue for completing the selection and appointment against vacancies notified in 2008 and only in those cases where selection process has concluded, remaining vacancies may be considered and merged in the subsequent vacancies.

5. Learned counsel submits that in certain block respondents are adopting same principle by applying the rules existing at the time of commencement of the selection process but they are in a fix so far as appointment in the Balrampur block, Katihar is concerned.

6. From the counter affidavit, it appears that the stand of respondent is evasive. In the counter affidavit, the respondents are maintaining the stand that requisite information is solicited from the concerned block and the reply is awaited.



Para-6 to 8 of the counter affidavit is quoted below:-

“6. That it is submitted that the present issue relates to the selection/appointment of block teachers under Balrampur Block, District Katihar, which not being directly relatable to answering deponent, presently being posted as District Programme Officer (Establishment), Katihar rather is concerned with the concerned block employment unit Balrampur hence vide letter no.1427 dated 17.8.2019 the matter has been enquired from the concerned Block Development Officer-Cum-Member Secretary Block Employment Unit Balrampur Block Katihar asking to report with regard to the status of posts/vacancies of block teachers in connection with the process of selection/appointment of 2008 as well as other connected details.

7. That reply in this regard from the concerned Block Development Officer-cum-Member Secretary block employment Unit Balrampur is still awaited.

8. That it is submitted that upon receipt of the required reply the answering deponent would be in a position to take in appropriate stand in the matter.

7. In view of the aforesaid stand of the respondents, the writ petition is disposed of with a direction to the respondents to consider the case of the petitioner in terms of Rules which was prevailing at the time of vacancies notified



in the Balrampur block and complete selection process at the earliest, preferably within a period of two months from the date of receipt/production of a copy of this order.

8. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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