

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.546 of 2018

In
Letters Patent Appeal No.1201 of 2015

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Rani Kumari wife of Sri Ram Babu Singh resident of Village Tilak Tazpur, PS and Block- Runni Saidpur, District- Sitamarhi posted as Block Teacher in Upgraded Middle School, Parari, PO- Thahar, PS and Block- Aurai, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Bihar
2. The Director, Primary Education Department Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur District- Muzaffarpur.
4. The District Education Officer, Muzaffarpur District Muzaffarpur.
5. The Member, District Teacher Employment Appellate Authority Muzaffarpur.
6. The District Programme Officer, Establishment Muzaffarpur.
7. The Block Education Extension Officer, Aurai District Muzaffarpur.
8. Md. Manzar Alam son of Md. Isha resident of Village and PO- Gaus Nagar, PS- Runni Saidpur, District Sitamarhi, address for correspondence at Sahwazpur, PO- Bhikhanpura, PS- Ahiyapur, District Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Pd. Singh, Advocate
For the Opposite Party/s : Mr. Ashutosh Ranjan Pandey, A.A.G. 15

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 10-04-2019

I.A. No. 1 of 2019

Heard learned counsel for the appellants.



The limitation petition discloses sufficient cause to condone the delay.

We, accordingly, allow the limitation petition and entertain the appeal.

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Having heard learned counsel for the appellant, we find from the judgement of the learned Single Judge that the appellant's merit as calculated under the Physically Handicapped Category quota was 68.11, whereas, the merit of the 8th Respondent was 73. It is, thus, evident that the respondent was higher in merit than the appellant. Learned counsel contends that there is an error apparent on the face of the record inasmuch as the issue relating to the appellant belonging to the female category candidate has not been dealt with appropriately and the learned Single Judge has committed an error in not accepting the claim of appellant on that ground.

We have considered the submissions raised and since the appellant and the respondent belong to the Physically Handicapped Category, the gender difference will not make any difference with regard to the claim of reservation under the Physically Handicapped Category. We, therefore, do not find any merit in the present application.



The same is, accordingly, dismissed.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/Uma/-

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