

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10744 of 2016**

=====

Kranti Sinha, Wife of Birendra Prasad Singh, Resident of Village- Simra,  
P.O.- Sripur, Police Station- Belaganj and District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Department of Education, Government of Bihar, Patna.
3. The District Education Officer, Gaya.
4. The District Programme Officer, Establishment, Gaya.
5. The Bihar Staff Selection Commission, Veterinary College through its Secretary.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                         |
|----------------------|---|-----------------------------------------|
| For the Petitioner/s | : | Mr.Gajanan Arun, Advocate               |
| For the State        | : | Mr.Sunil Kr. Mandal- SC-3               |
|                      |   | Mr. Bipin Kumar, AC to SC 3             |
|                      |   | Mr. Ravi Ranjan Kumar Singh, AC to SC 3 |
| For SSC              | : | Mr. Satyam Shivam Sundaram, Advocate    |

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      30-07-2019                      Heard learned counsel for the petitioner and learned  
  
counsel appearing on behalf of the State as well as the Bihar  
  
Staff Selection Commission.

The dispute in the instant case pertains to selection  
and appointment of Assistant Teacher against 34540 posts.

A counter affidavit has been filed on behalf of the  
respondents. The relevant paragraphs of the said counter  
affidavit filed on behalf of respondent No. 1 is quoted below:-

“14. That it is submitted that after  
deliberation and before a final decision in the



case of the petitioner could be taken, a Division Bench of this Hon'ble Court in Civil Review 16/16 literally reversed the order passed in CWJC No. 17899/2012 (Kanti Kumar Versus The State of Bihar and others) and vide order dated 19.10.2016 issued fresh directions for filling up the unfilled posts.

15. That it is submitted that in light of the direction given by the Review Court, a merit list of candidates is to be prepared after giving adequate opportunity to those who had been wrongfully included as well as to those who had been wrongly fully excluded and also after duly considering that the certificates of the candidates are from accredited institution. The said process of verification is to be done by the Staff Selection Commission and it is on the said basis that appointment against remaining 2213 posts are to be made.

16. That it is accordingly that in terms of the order dated 19.10.2016 passed by the Hon'ble Court in Civil Review No. 16/16 that the Staff Selection Commission has been communicated by the Principal Secretary, Education Department in this regard vide letter No. 424 dated 27.04.2017 with the request to finalize merit list after inviting objections through newspaper advertisement.



A further reminder in this regard has also been given vide letter No. 903 dated 07.09.2017. The photostat copy of letter No. 424 dated 27.04.2017 is annexed herewith and marked as Annexure-A to this Counter Affidavit.

17. That in addition to this details of vacancies caused due to cancellation of appointments made on the basis of forged and fabricated certificates have also been called by the Principal Secretary, Education Department from all the District Education Officers vide letter No. 425 dated 27.04.2017. A further reminder in this regard has also been given vide letter No. 904 dated 07.09.2017. The photostat copy of letter No. 425 dated 27.04.2017 whereby all District Education Officers have been informed to submit details with regard to posts falling vacant due to dismissal of forged and fabricated appointees is annexed herewith and marked as Annexure-B to this Counter Affidavit.

18. That it is submitted that after receipt of the response from the field offices with regard to the vacancies caused due to cancellation of illegal appointments, the same had been compiled and finally the present status i.e. number of vacancies fallen vacant due to cancellation of illegal



appointments, which is presently 474, have duly been reported to the staff selection commission vide letter No. 1226 dated 21.12.2017 for further needful in the matter. The photostat copy of letter No. 1226 dated 21.12.2017 is annexed herewith and marked as Annexure-C to this Counter affidavit.

19. That thus, it is respectfully submitted here that the Staff Selection Commission has to finalize the list for appointment against the remaining vacancies as stated above and in the said process the commission is required to consider the claim of all stake holders including physically handicapped like the petitioner.”

In view of the stand taken by the respondents in the counter affidavit, it is apparent that vacancies are available for consideration of the case on account of cancellation of appointment.

Considering the aforesaid, the writ petition is disposed of with a direction to the Staff Selection Commission as well as the State respondents to take fresh decision with regard to the claim of the petitioner for appointment against left over post of Assistant Teacher against vacancy available for consideration and appointment of candidates belonging to BC category. Necessary decision in this regard must be taken by the



respondents at the earliest preferably within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

spandey/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

