

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 2558 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 11634 of 2011

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Lal Bahadur Sahu Son of Late Sito Sahu, Resident of Village- Mahna, P.O.- Mahna, P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary-cum-Director, Primary Education, Department of Human Resources Development, Government of Bihar, Patna.
2. Sri Naushad Ushuf, District Magistrate, Begusarai.
3. Sri Dinesh Safi, District Superintendent Education Officer, Begusarai.
4. Sri Rakesh Kumar, Block Development Officer, Teghra, Begusarai.
5. Sri Kamlesh Kumar Prabhar, Block Education Extension Officer, Teghra, Begusarai.
6. Sri Janardan Mahto, Panchayat Secretary, Chakdad, Madhurapur Gram Panchayat, Block Teghra, Begusarai.
7. Sri Ameer Suhani, Mukhia now known as Chairman, Nagar Parishad, Chakdad Madhurapur Gram Panchayat, Chakdad Madhurapur, Block Teghra, Begusarai.
8. Sri Nagendra Nath Choudhary, the Member District Teachers Employment Appellate Authority, Begusarai.
9. Ashiyana Naim, Wife of Akhtar Naim, Resident of Village- Amba, Gram Panchayat Chakdad Madhurapur, Block Teghra, Barauni, District- Begusarai.
10. The Chief Executive Officer, Nagar Panchayat, Teghara, Begusarai (Bihar).
11. The Superintendent of Police, Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sushant Kumar Dutta, Advocate
For the State	:	Mr. Bijay Bhushan Prasad, AC to SC 13
For the Nagar Panchayat Teghra	:	Mr. Anil Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 26-08-2019



Heard learned counsel for the petitioner; learned AC to SC 13 for the State and learned counsel for the respondent no. 10.

2. The petitioner has moved the Court alleging non compliance of the order dated 27.06.2014 passed in CWJC No. 11634 of 2011.

3. In terms of the same, after the employment of the private respondent in the writ petition was set aside, the matter was remitted to the Employment Agency to consider the case of the petitioner and the said private respondent and all other claimants, who may have applied for appointment under handicapped category, for making fresh appointment on the post.

4. In terms thereof, the Employment Agency which in the meantime had changed, inasmuch as, the Gram Panchayat was upgraded into Nagar Panchayat, Teghra, not having any previous records, much less, any application of candidates under the handicapped category with regard to the earlier transaction for appointment, got an advertisement printed in the daily newspaper *Dainik Jagran* on 21.06.2019, inviting application from persons who may have applied in the past to submit the same again by 3.00 P.M. till 26.06.2019.

5. The petitioner did not apply pursuant to the same and, thus, the opposite party no. 10 went ahead with the applications



which were received pursuant to such advertisement and made appointment. The fact that no records of the previous transaction has been found in the office has been corroborated by the enquiry conducted by the Superintendent of Police, Begusarai. Thus, the Court finds that the conduct of the opposite party no. 10 in coming with an advertisement calling upon such persons, who may have applied earlier, to do so again was a fair and transparent approach as it was the best possible way of considering the case of persons in view of the fact that the original records were not available, moreso, when during the interregnum period, four Panchayat Secretaries had been posted and one is also now no more alive.

6. On 02.08.2019, as copy of the affidavit of opposite party no. 10 had not been served on learned counsel for the petitioner, time had been taken.

7. Today, learned counsel for the petitioner does not deny that such notice in the newspaper was published. It is also not denied that the petitioner had not applied pursuant to the same.

8. Thus, the Court finds that the authorities have discharged their onus and have gone ahead with the appointment in a manner which is totally in accordance with law and the directions of this Court in its order dated 27.06.2014 passed in CWJC No. 11634 of 2011.



9. In view thereof, nothing further remains in the present application which, accordingly, stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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