

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18051 of 2019

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1. Ashok Kumar Prabhakar, Son of Ramesh Prasad, Resident of Village- Manpura, P.S.- Kochus, District- Rohtas.
 2. Vishnu Shankar, Son of Ram Bachan Singh, Resident of Village- Bandhpa, P.S.- Akorihi Gola, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Joint Director, Secondary Education, Government of Bihar, Patna.
5. The District Education Officer, Rohtas.
6. The District Programem Officer, Rohtas.
7. The Deputy Secretary, General Administration Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Advocate Mr. Vikas Kumar, Advocate
For the Respondent/s	:	Mr. Samir Kumar, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-09-2019 Heard learned counsel for the petitioners and the respondents.

The petitioners have filed the present writ application for a direction to the respondents to set aside the appointments of all senior secondary teachers pursuant to Senior Secondary Teacher Rule, 2012 in 2014.

Such kind of direction cannot be issued in the writ proceeding.



Mr. Shahi, learned senior counsel for the petitioners submits that there is report of the Statutory Backward Class Commission, which admits the gross irregularity in the process of appointment of senior secondary teachers in the district of Rohtas. He submits that on the basis of foundational fact, the Court may issue direction to the respondents to take appropriate decision in the light of the report of Statutory Backward Class Commission (Annexure-2). He submits that the Backward Class Commission has Statutory authority and its report has relevance in the decision making process.

The Court is not in a position to issue mandamus to follow the report of the Commission, but the Court is definitely of the view that the report of the Statutory Backward Class Commission has to be taken note of by the respondents in the decision making process.

Accordingly, the writ application is disposed of with a direction to respondent no. 2 (The Principal Secretary, Education Department, Government of Bihar, Patna) to take appropriate decision in accordance with law on the report of Statutory Backward Class Commission (Annexure-2) within a maximum period of three months from the date of receipt/production of a copy of this order.



In the event, it is found that there is irregularity in the matter of appointment of senior secondary teachers and there is need to adopt corrective measures, the respondent no.2 shall ensure compliance of principles of natural justice while taking such corrective measures.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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