

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20207 of 2019

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Babita Kumari @ Babita Asthana @ Babita, Daughter of Yogendra Prasad,
Wife of Sri Harendra Kumar, Resident of Mohalla- Sharda Nagar, Kanhauli,
Musahri, P.S.- Mithanpura, Town and District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The Deputy Development Commissioner-cum-Chief Executive Officer, District- Muzaffarpur.
6. The District Education Officer, Muzaffarpur.
7. The District Program Officer (Establishment), Muzaffarpur.
8. The District Program Officer (Secondary Education Abhiyan), Muzaffarpur.
9. The Chairman, Zila Parishad, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satish Chandra Mishra
For the Respondent/s : Smt. Binita Singh (SC-28)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-10-2019 The issue raised in the present writ application is no more res integra.

Similar issue was considered by this Court vide order dated 15.03.2018 in C.W.J.C. No. 1605 of 2017. The relevant part of the order dated 15.03.2018 is quoted herein below

“Considering the rival submissions of the parties and also noticing the fact that for the first time TET examination was held in the year 2011 and after holding TET examination in which the



petitioner has appeared and qualified, at least one opportunity should be extended to the petitioner and other music teachers or similarly circumstanced so that he may participate in the selection process for appointment of the music teachers.

Considering the extreme hardship in the present case, the court disposes of the writ petition with direction to the respondent authorities to consider the case of the petitioner for age relaxation as one time measures so that the petitioner may participate in the selection process for appointment of music teacher.

In view of the above, the court may deem fit and proper to declare that the order contained in Annexure-9 is required to be interfered with, accordingly the writ petition is allowed. Annexure-9 dated 7.10.2016 so far as the guidelines in granting age relaxation, is hereby quashed. The respondents are directed to reconsider the case of the petitioner and all similarly circumstanced for age relaxation as one time measure so that he may participate in the selection process otherwise his right to participate in the selection process guaranteed under Article 16 renders nugatory by non-consideration of his case.

In n view of the peculiar facts and circumstances of the case, the respondent no.2 is directed to take a decision afresh considering the extreme hardship of the petitioner and similarly circumstanced other teachers to allow him to participate in the selection process on account of fact that for the first time TET examination was held



in 2011 and vacancies were made available for consideration in 2015.

Such exercise must be completed by the respondents within a maximum period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of. “

In view of the decision in C.W.J.C. No. 1605 of 2017, the present writ application is also disposed of with a direction to the respondents to extend similar treatment to this petitioner.

(Anil Kumar Upadhyay, J)

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