

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17480 of 2017

Sanjay Kumar

... .. Petitioner/s

Versus

The State Of Bihar and Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar, Advocate
For the State	:	Mr. Jai Prakash Kishore, Advocate
		Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 27-02-2020 Heard learned counsel for the parties.

The grievance of the petitioner in the present application is that petitioner appeared at the examination conducted by the BPSC for appointment as Assistant Teacher. There was lapse on the part of the respondent in sending the recommendation of the petitioner for appointment in time and as a result thereof, the petitioner was appointed after the appointment of others similarly circumstanced selected in the same selection process i.e. advertisement no. 66 of 1996.

Learned counsel appearing on behalf of the petitioner has drawn attention of this Court to Annexure 3 and 4 and other document indicating that the mistake was admitted on the part of the BPSC and thereafter the respondent adopted corrective measure and the petitioner was appointed as Assistant Teacher,



but in this process there was a delay of more than two years.

Now petitioner has been made to suffer loss of seniority of two and a half years for no fault of the petitioner. It is now well settled that one cannot be made to suffer for the lapse of the respondent. In this case the delay in the appointment is attributed to the lapse of the BPSC and the respondent authorities in the Education Department.

Considering the aforesaid facts of the case, the writ application is disposed of with a direction to the respondents to grant the benefit of seniority and treat the appointment of the petitioner in 1999, when teachers selected on the basis of advertisement no. 66 of 1996 were appointed. The respondents are further directed to notionally count the service of the petitioner for the purpose of seniority and other benefit except payment of salary w.e.f. 1999 when others from the same selection process were appointed. Necessary decision granting the benefit of seniority and service from 1999 must be taken by the respondents at the earliest preferably within a period of 60 days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Rishi Kumar/-

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