

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1527 of 2018

In
Civil Writ Jurisdiction Case No.22645 of 2012

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Gauri Shankar Prasad

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Prakash Mahto
For the Respondent/s	:	Mr. Prabhat Ranjan Singh AC to AAG-15
For the Commission		Mr. S.S.Sundram

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

4 16-01-2020 Heard learned counsel appearing for the appellant as well as learned counsel appearing for the Bihar Staff Service Commission, Bihar and learned counsel for the State.

The appellant is aggrieved by the order dated 14.09.2018 passed by the learned Single Judge in CWJC No. 22645 of 2012 by which and whereunder the learned Single Judge dismissed the above stated writ petition holding that the appellant is not entitled to be treated as Assistant Teacher since 27.04.1980 and the learned Single Judge also refused to quash the order dated 14.09.2010 contained in Annexure-16 of the writ petition.



According to the claim of the appellant, he was appointed as clerk in the High School Dhobghat, Munger on 10.01.1972 by the Secretary of Managing Committee of school after that he was promoted on the post of Assistant Teacher on 02.07.1972. The above stated school was granted permanent recognition subsequently. The appointment of the petitioner on the post of Assistant Teacher was confirmed by the Managing Committee. The Managing Committee recommended the case of the appellant to the Bihar Secondary Education Board but the board declined to recognize the appellant as Assistant Teacher. The appellant filed writ petition bearing CWJC No 5107 of 1988 before this Court. The aforesaid writ petition was disposed of by a learned Single Judge of this Court directing the concerned authorities to consider the case of the appellant. However, the claim of appellant was again rejected by the Board vide order dated 11.11.1994. The appellant, again filed CWJC No. 1217 of 1995 challenging the order dated 11.11.1994 by which Director of Bihar Secondary Education Board, Patna, had rejected the claim of the appellant. The aforesaid writ petition was disposed of by a learned Single Judge of this Court directing the concerned authorities to take step to fulfil the reserved vacancy of Assistant Teacher. The appellant again



preferred CWJC No. 8251 of 2003 for redressal of his grievance but the aforesaid writ petition was dismissed by the learned Single Judge vide order dated 08.09.2004 against which the appellant preferred L.P.A No. 29 of 2005 which, too, disposed of by the Division Bench of this Court. However, the Division Bench while disposing of L.P.A No 29 of 2005 vide order dated 14.01.2005 directed the Board to recommend the case of the appellant for consideration. Moreover, after such a long litigation, the Bihar Staff Selection Commission, Bihar considered the case of the appellant vide order dated 14.09.2010 and rejected the claim of the appellant as the appellant had no requisite qualification for getting promotion on the post of Assistant Teacher. While considering the case of the appellant, the board noticed that when the advertisement was made for reserved category, the appellant did not apply and, as a result of which, his case could not be considered.

Although the learned counsel appearing for the appellant tried to convince this Court about the impropriety of impugned order of the learned Single Judge but in the back drop of the aforesaid fact, we are not, at all convinced with the submissions of the learned counsel of the appellant and, therefore, we do not find any ground to interfere into the



findings recorded by the Learned Single Judge while passing the
impugned judgment.

Accordingly, this appeal stands dismissed on
admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

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