

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21746 of 2019

1. Satrugshan Prasad Yadav, Son of Ramsagart Yadav, Resident of Village- Naurangia, Post Office- Semrahia, Police Station- Lakhura, District- East Champaran.
2. Mamta Kumari, Wife of Raghubar Prashad, Resident of Village - Bishunpur Dhig, Post Office- Piprakha, Police Station- Kalyanpur, District- East Champaran.
3. Rakesh Kumar, Son of Rameshwar Sharma, Resident of Village- Dershiya, Post Office- Hatti, Police Station- Kako, District- Jehanabad.
4. Randhir Kumar Jha, Son of Birendra Kumar Jha, Resident of Village - Divra, Post Office- Muradpur, Police Station- Nawhatta, District- Saharsa.
5. Birendra Kumar Yadav, Son of Hansi Lal Yadav, Resident of Village- Batan Mari, Post Office- Basudeopur, Police Station- Khutama, District- Madhubani.
6. Rangila Sah, Son of Shiv Pujan Sah, Resident of Village - Bishunpura Kathi, Post Office and Police Station- Sidhwaliya, District- East Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Bihar, Patna.
2. The Secretary of Education Department, Bihar, Patna.
3. The Director of Education Department, Bihar, Patna.
4. The Secretary of School Examination Board, Patna.
5. The Deputy Secretary of School Examination Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ram Narayan Mahto, Advocate
For the Respondent/s	:	Mr.Ashutosh Ranjan Pandey (AAG-15)
		Mr. Maya Shankar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 26-11-2020 Heard learned counsel for the petitioners and the respondents.

The petitioners have filed the present writ application for quashing part of the order dated 1.7.2019 as



contained in Annexure-8 to the writ petition, whereby the respondents have given 5 additional marks for History Honours and Geography Honours subjects but not for Political Science Honours and Economics Honours in Social Sciences in the selection and appointment of Senior Secondary Teachers under Bihar Zila Parishad Middle School/ High School Teachers (Niyojan Seva Sart) Niyamawali, 2006 and 2012.

Learned counsel for the petitioners submits that the action of the respondents in treating History Honours and Geography Honours in Social Sciences differently than the Political Science Honours and Economics Science, is illegal and arbitrary. If the respondents have decided to grant 5 additional marks in the process of selection for History and Geography subjects under the Social Science, there is no justification in not granting the same benefit of 5 marks in the process of selection of teachers for Political Science and Economics when the petitioners have passed B.A. Honours and obtained higher qualification of B.A. training certificate. Counsel further submits that the candidates, who have passed BSITET 2011, are eligible for appointment as teacher in Bihar Zila Parishad in terms of the Bihar Zila Parishad Middle School/ High School Teachers (Niyojan Seva Sart) Niyamawali, 2006 and 2012. If



they are treated differently then they may suffer irreparably.

In view of the above, the Court is of the view that in the process of selection the respondents cannot adopt different yardsticks in the same stream of social science in the selection process of teachers. If they have decided to give 5 additional marks to the candidates of History and Geography subjects then there is no justification in not granting 5 additional marks to the candidates belonging to Political Science and Economics subjects particularly, when in the process of selection of 1st, 2nd, 3rd and 4th phases, 5 additional marks were allotted to the candidates of Political Science and Economics then in the 5th attempt of selection process drawing distinction between the persons with History and Geography subjects and Political Science and Economics subjects is violative of Articles 14 and 16 of the Constitution of India.

Under the aforesaid circumstances, the respondents are directed to treat all the subjects under Social Sciences i.e. History, Geography, Political Science and Economics similar for awarding 5 marks in the process of selection and appointment of teachers and award 5 marks for honours in Economics and Political Science also on the same line as extended to the candidates of History Honours and Geography Honours



particularly when it was done in the 1st , 2nd , 3rd and 4th phase appointment for final preparation of panel for selection and appointment of teachers. The respondents are hereby directed to adopt corrective measures before taking step for making appointment in the 5th phase.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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