

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2069 of 2020

Bangalee Association, Bihar a Registered Society (No. 4 of 1938, Under Societies Registration Act of 1860) having its office at Rammohan Roy Seminary, Khazanchi Road, P.S. Pirbahore, Town and District- Patna, through its President Dr. (Capt) Dilip Kumar Sinha, Aged about 71 years Male Son of Late Peary Charan Sinha, Resident of Jakkanpur, New Area, Mithapur, Patna.
... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Bihar State University Commission, Patna through its Chairman.
4. The Chairman, The Bihar State University Commission, Patna.
5. The Chairman, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna.
6. The Secretary, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg (Bailey Road), Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar
For the Respondent/s	:	Smt. Binita Singh (Sc28)
		Mr. Kumar Kamal Nayan, Ac to SC-28
For BPSC	:	Mr. Sanjay Pandey
		Mr. Nishant Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-02-2020 With the passage of time, the claim of the petitioner against the BPSC has become infructuous.

2. In the changed scenario, appointment on the post of teacher in constituent college in the State of Bihar is to be made on the basis of recommendation of Bihar State University Commission.

3. Earlier the petitioner has approached this Court. The Division Bench of this Court has passed the following order:-



“We are of the view that now it is for the Principal Secretary of the Human Resources Department, Government of Bihar to find out as to what shall be the best means for implementing the earlier decisions dated 19.2.2008. Suitable instructions for enforcement of the said policy decision particularly in the required areas should be issued by the department so that its policy decisions are not confined only on paper but implemented on the ground level also. Such action should be taken expeditiously, preferably within a period of two months from today.”

4. Thereafter, on 18.5.2017 the Principal Secretary of the Department wrote a letter to the Secretary, BPSC for taking steps for preparation of panel for appointment of assistant teacher. Unfortunately, there is no material on record to understand what was the requisition and how much post was identified for appointment of Bangla teacher in different Universities and in such a situation when materials information was not furnished to the BPSC finding fault with the BPSC is precisely unsustainable. Now when the BPSC is no more recommending body, no direction can be issued to the BPSC either to advertise the post or prepare panel for appointment against the post of Bangla teacher.

5. The vague letter of the Principal Secretary with regard to appointment of teacher Bangla cannot be given effect



to. In order to take effective steps for appointment, the first steps required is identification of the post of Bangla teacher in different Universities followed by requisition for appointment against those identified posts and thirdly advertisement on the basis of such requisition by the State Government as well as the University. The recommending body is required to take steps for inviting application and proceed ahead for preparation of panel for appointment. The entire exercise required concrete action and in the absence of the concrete preliminary action no effective direction can be issued to recommending body like BPSC.

6. Accordingly, the writ petition is disposed of with a direction to the Additional Chief Secretary cum Principal Secretary Education as well as all Vice-Chancellors of the Universities to identify the post of Bangla teacher in the respective Universities and after identification, they are required to send requisition to the selecting body State University Commission. On such requisition, the selecting body shall advertise the post and take appropriate steps for selection and preparation of panel so that the appointment on the identified post of Bangla teacher may be made accordingly.

7. The entire exercise in this regard may be completed by the concerned Education Department as well as the



concerned University within a maximum period of four months
from the date of receipt/production of a copy of this order.

8. With the aforesaid, the writ application stands
disposed of.

(Anil Kumar Upadhyay, J)

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