

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1666 of 2020

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1. Neelam Kumari Daughter of Late kamlakant Singh, Resident of Village- Brahimpur, P.O.- Brahimpur, P.S.- Mashrakh, District- Saran (Bihar), Assistant Teacher, Rajendra Collegiate School, Chapra, District- Saran (Bihar).
 2. Sanjay Kumar, Son of jay mangal Chaudhary, Resident of Village- Rahua, P.O. and P.S. Jandaha, District- Vaishali (Bihar), Assistant Teacher, High School, Mahanar, District- Vaishali (Bihar).
 3. Ayodhya Prasad Verma, Son of Rameshwar Prasad Verma, Resident of Village Nawagadh, P.O.- Kanhaiyaganj, P.S. Telhara, District- Nalanda (Bihar), Assistant Teacher, High School, Benar, Nalanda, District- Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director (Secondary) Education, Government of Bihar, patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, patna.
4. The District Education Officer, Saran At Chapra.
5. The District Education Officer, Vaishali at Hajipur.
6. The District Education Officer, Nalanda at Biharsharif.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Narayan Mishra
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 17-02-2020 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Petitioners have approached this Court for a direction to the respondents to consider their case for fixing seniority as per their merit position in terms of advertisement no. 02 of 1991. It is admitted position that till date there is no decision by the respondent authorities.



The petitioners were appointed pursuant to the advertisement no.02 of 1991. They belong to physically challenged category and they were granted the benefit of horizontal reservation. In the process of appointment, the petitioners have to undertake litigation and finally they were appointed on 18.1.2006 after the decision of the Hon'ble Supreme Court.

Dr. Mayanand Jha, learned counsel for the petitioners has drawn attention of this Court to Annexure-9 that similarly circumstanced teacher appointed in Geography was granted the benefit of seniority in terms of the merit position in the panel prepared for appointment pursuant to advertisement no. 01 of 1988. In the case of the petitioners there is no decision one way or the other.

The Court in the facts and circumstances of the case deem it fit and proper to direct the petitioners to agitate the matter before the Director, Secondary Education who shall under obligation to decide the representation filed by the petitioners alongwith a copy of this order by a reason speaking order within a maximum period of three months from the date of receipt/production of a copy of this order.

While taking decision past precedent contained in



Annexure-9 dated 16.12.2015 may be considered by the
Director, Secondary Education.

Necessary decision in this regard must be taken within
time frame indicated hereinabove.

With the aforesaid, the writ application stands
disposed of.

(Anil Kumar Upadhyay, J)

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