

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL WRIT JURISDICTION CASE NO. 13914 of 2021

1. Jyoti Kumari daughter of Raghu Nandan Choudhary,
resident of Village- Amarpur, P.S. Darauli, District Siwan.

2. Jawahar Kumar Sahani, son of Sakhi Chande Sahani,
resident of Village- Bhalauli, P.S. Guthani, District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.

2. The Principal Secretary, Department of Primary Education,
Govt. of Bihar, Patna.

3. The Director, Primary Education, Govt. of Bihar, Patna.

4. The District Magistrate, Siwan.

5. The Block Development Officer, Siswan, Siwan.

6. The Block Education Officer, Siswan, Siwan.

... .. Respondent/s

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Appearance:

For the Petitioner/s : Mr. Bijay Kumar Pathak, Advocate

For the Respondent-BSFC : Mr. Jitendra Kr. Roy, SC-13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

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16-09-2021

The instant case has been taken up for
consideration through the mode of Video conferencing in
view of the p :ion on account of COVID 19



Pandemic, requiring social distancing.

The present writ petition has been filed seeking the following reliefs:-

“(i) For the issuance of an appropriate writs/ order in the nature of mandamus directing the respondents to consider the case of petitioners and issue joining letter to the petitioners in terms of order dated 22.08.2019 passed in CWJC No. 17330 of 2019 (Abhisek Kumar Dubey vs. The State of Bihar & Others) and also in terms of order dated 06.06.2017 of learned District Teacher Employment Authority, Siwan hereinafter referred to as Appellate Authority passed in Appeal No. 131 of 2016 which was heard along with Appeal No. 133/ 2016 and Appeal No. 134/2016 and in terms of order dated 08.06.2017 of the District Teacher Employment Appellate Authority, Siwan by which and where under the learned Appellate Authority after taking note of order dated 16.09.2015 passed in C.W.J.C. No. 19090 of 2012 and order dated 23.07.2013 passed in CWJC No. 17467/ 2012 and after hearing the parties was pleased to direct Teachers Employment Unit, Siwan to consider the case of Appellants/ petitioners and others and to take necessary steps for ensuring their appointment after following the direction of the Education Department, Reservation Policy and section 9 of Elementary Teachers (selection and service condition) Rule 2016.



And

Also in view of the fact that the other similarly situated candidates namely Kumari Namrata Baban Shah, Kumari Chhaya Singh, Deep Kumar in Appeal No. 131/ 2016 and Sandip Kumar Tiwari, Pragya in Appeal No. 123 of 2016 have been allowed to join where as the case of the petitioners which is similar and identical to case of appellants of Appeal No. 123/2016 and Appeal No. 131/2016 but thjeir cases are not being considered without any cogent reason.”

At the outset, the learned counsel for the petitioners seeks liberty to approach the Respondent No. 3, i.e. the Director, Primary Education, Govt. of Bihar, Patna in order to enable the petitioners to seek redressal of their grievances.

The learned counsel for the Respondent State, Shri Jitendra Kumar Roy, SC-13 has got no objection.

Accordingly, the present writ petition stands disposed off with liberty to the petitioners to approach the Respondent no. 3 by filing appropriate representation within a period of four weeks from today and in case such a representation is filed, the same shall be disposed of by a reasoned and a speaking order by the Respondent no.3, in accordance with law, within a period of eight weeks, thereafter.

(Mohit Kumar Shah, J)

Tiwary/-

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