

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10440 of 2020

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Suchindra Kumar S/o Late Dharmnath Singh R/o Kohra Mathia, P.S.- Parsa,
District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Saran at Chapra.
2. The District Programme Officer (east) Saran at Chapra.
3. The District Education Officer, Saran at Chapra.
4. Niyojan Unit, Gram Panchayat- Banaut, P.S.- Parsa, District- Chapra.
5. The Panchayat Secretary, Gram Panchayat- Banaut, P.S.- Parsa, District- Chapra.
6. The Mukhiya, Gram Panchayat- Banaut, P.S.- Parsa, District- Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Krishna, Advocate
For the Respondent/s : Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 16-11-2021

Heard Mr. Gopal Krishna, learned Advocate for

the petitioner and Mr. Sanjay Kumar, learned counsel for

the State.

The petitioner seeks a direction to the respondent
no. 2 for appointing him on the post of Panchayat Teacher
which has fallen vacant because of the resignation of one
of the selected candidates.

It has been brought to the notice of this Court
that pursuant to an advertisement issued in the year 2006



for appointment of Panchayat Teachers and also by virtue of an order passed by this Court, the appointment process was begun and concluded. A merit list was prepared in which the name of the petitioner stood at Serial No. 8. The persons from Serial No. 1 to 7 were appointed as Panchayat Teachers. However, in the year 2016 the candidate at Serial No. 1 resigned and one place fell vacant. The petitioner wants a direction to respondent no. 2 for appointing him on the said post.

The aforesaid prayer cannot be allowed for the simple reason that there is nothing on record to indicate that the merit list prepared pursuant to an advertisement of 2006 subsisted after the appointment on all such posts were made. In case a place has fallen vacant, it would be open for the authorities to undertake a fresh exercise towards filling up of vacant posts.

As such no direction can be issued to anyone of the respondents with respect to the prayer made on behalf of the petitioner.



Nonetheless, it would be open for the petitioner to approach the concerned authorities/respondent no. 2 and make a request for his engagement on the post which has fallen vacant and the concerned authority shall, if at all it is permissible, consider such a request and pass orders in accordance with law.

Needless to clarity that no positive direction is being issued by this Court for engaging the petitioner on the post which has fallen vacant.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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