

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9946 of 2018

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Rizwana Khatoon Daughter of Matloob Alam, Wife of Firoj Ansari, Resident of Village- Banka Bahuara, P.O.- Mohila, P.S.- Kudhani, District- Kaimur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.,
2. The Principal Secretary, H.R.D. Govt. of Bihar, Patna.
3. The Director Primary Education Education Department, Govt. of Bihar, Patna.
4. The District Magistrate, Kaimur.
5. The District Education Officer, Kaimur.
6. The District Programme Officer Establishment, District- Kaimur.
7. The Block Education Officer, Blok- Nuaon, District- Kaimur.
8. The District Teacher Appointment Appellate Authority, Kaimur at Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. A.K. Tiwari, Adv.
For the Respondent/s : Mr. Ram Vinay Pd. Singh, AC toGA-12

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 29-08-2022 The petitioner by way of this writ petition assails the order passed by the District Appellate Authority as well as State Appellate Authority, whereby the claim of the petitioner for employment as a Block teacher, Urdu in Nuaon under Kaimur district under the second phase of selections 2010, was not accepted.

The brief case of the petitioner is that he applied in response to an advertisement published by the State Government for the aforesaid post. His name appeared in the



merit list and counselling was to be held on 28.12.2010 for which letter was issued on 22.12.2010. It is contended that he appeared for counselling on 28.12.2010 but was not issued employment letter without there being any cogent reason.

Learned counsel submits that as he was in merit, he was entitled to receive employment letter. The Block Education Extension Officer upon notice appeared before the District Appellate Authority and it was stated that as per direction issued by the Secretary dated 04.12.2010 and District Superintendent of Education dated 16.12.2010, date of counselling was fixed for 28.12.2010. It was contended that the directions specify with the employment letter only issued after the concerned unit verifying the certificates of the candidates. Since the certificates of candidates were not verified, the name of the petitioner as well as other candidates for employment was not considered and neither verifying the merit list of the candidates was published nor employment letter was issued to any candidate. The process of employment was closed on 30.12.2010.

The petitioner has submitted that once his name figured in the merit list and the posts were existing, the respondents could not have withheld the employment since the certificates could be verified even later on.



I have considered the submissions.

The candidates appearing for any selection process may be placed in the merit list but no indefeasible right is created in their favour solely on the ground that they are placed in the merit list, as held in (2006) 6 SCC 532 (Kulwinder Pal Singh & Anr. V. State of Punjab & Ors.).

In the present case, the recruiting agency did not make any selections at all and closed the employment on the ground that the certificates of the candidates could not be verified. The said selections process under the employment rules of 2006 stands closed. It has come on record is the order passed by the State Appellate Authority, when a new rules of 2012 have come into force and the vacancies which were left unfilled in the first phase and second phase of selection conducted under the earlier rules of 2006 and 2008, have merged with the subsequent vacancies and advertisement had already been issued under 2012 rules.

In view thereof, the petitioner's name against any post ceases to exist. There being no right of employment, and since there has not been consideration of any other candidate for employment for the unit concerned, no right of the petitioner can be said to have been taken away.



The order passed by the District Appellate Authority as well as State Appellate Authority, therefore, do not warrant any interference.

The writ petition is misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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