

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6387 of 2022

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1. Jayshree Kumari D/o Late Suryanath Prasad Resident of House No- 52, Road No- 8, East Patel Nagar, P.O.- Shastrinagar, P.S.- Shastrinagar, District- Patna, Pin- 800023.
 2. Rakesh Kumar Singh S/o Kameshwar Prasad Singh Resident of Village and P.O.- Deoria, P.S.- Awatarnagar, District- Saran, Pin- 841225.
 3. Om Prakash S/o Satyendra Narayan Singh Resident of House No.- 52, Road No.- 8, East Patel Nagar, P.O.- Shastrinagar, P.S.- Shastrinagar, District- Patna, Pin- 800023.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resouce Development Department, Govt. of Bihar, Patna.
2. The Dircetor, Primary Education, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
4. The Chairman, Bihar Public Service Commission, Patna.
5. The Secretary, Bihar Public Service Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nawnit Kumar Tiwary, Adv.
For the State	:	Mrs. Binita Singh (Sc28), Mr. Kumar Kamal Nayan, AC to SC-28
For the B.P.S.C.	:	Mr. Sanjay Pandey, Adv., Mr. Nishant Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 10-05-2022 The petitioner by way of this writ petition has prayed to issue a mandamus to allow them to participate in the selection process under the Advertisement No. 4/2022 issued by the Bihar Public Service Commission, Patna for the post of Headmaster in different Primary School.



Learned counsel for the petitioners relies on the interim order passed by the Hon'ble Division Bench in C.W.J.C. No. 16633 of 2021 (TET-Stet Uttrin Niyojit Shikshak Sangh TSUNSS GOP GUT Vs. The State of Bihar & Ors.), wherein this Court passed an interim order to members of the association to be provisionally allowed to participate in the selection process on the ground that the Hindi and English version of the Rule has an anomaly situation. While in Hindi version 8 years continuous service is mentioned, in English version 8 years regular service has been mentioned.

Upon appointed a query being asked from the counsel about the service experience of the petitioners, it is informed that the petitioners have been appointed in the year 2022 only. Thus apparently, the petitioners neither have 8 years of service to their credit nor they have 8 years regular service to their credit, thus they cannot be said to be in the same category as those members of the association to whom the Division Bench



granted indulgence of participating provisionally in the selection process.

It is a case where the petitioners have tried to take advantage of an interim order passed in some other case and seek to directly participate for the post of Headmaster, even while they have been appointed as teachers in the year 2022 only.

The writ petition is wholly misconceived and frivolous and is accordingly dismissed with cost of Rs.10,000/- (ten thousand) to be deposited with the Patna High Court Legal Services Committee.

(Sanjeev Prakash Sharma, J)

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