

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12481 of 2021

1. Alok Kumar Son of Sri Awadh Bihari, Resident of Mirpur Bhual, P.S.- Dighwara, District - Saran.
2. Shubham Anand, Son of Dilip Kumar Singh, Resident of New Area Chittor Nagar, Ward No. 12, P.S. and District - Aurangabad.
3. Khagendra Nath Goswami, Son of Goldas Goswami, Resident of 3MF8/38 Bahadurpur Housing Colony, P.S. Agamkuan, District - Patna.
4. Abhijeet Bharti, Son of Dhananjay Kishore, Resident of Mahalpar, Biharsharif, P.S.- Biharsharif, District - Nalanda.
5. Mukesh Kumar, Son of Rambalak Prasad Verma, Resident of Gulab Nagar, P.S. - Sirdala, District - Nawada.
6. Md. Ishteyaque Alam, Son of Abdul Rasheed, Resident of Gaus Nagar, P.S.- Gaighat, Bochaha, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education Department, Bihar, Patna.
4. The Deputy Secretary, Education Department, Bihar, Patna.
5. The Bihar School Examination Board through its Chairman, Patna.
6. The Chairman, Bihar School Examination Board, Patna.
7. The Secretary, Bihar School Examination Board, Patna.
8. The Examination Controller (Misc.), Bihar School Examination Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vikas Kumar, Adv.
For the Respondent/s : Mr. Ashish Giri, Adv.,
Mr. Sumit Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 20-06-2022 The case is being taken up from defect side.

Learned counsel for the petitioners is directed to
submit the original petition along with attested affidavits and



also remove all the defects pointed out by the Registry within two weeks from today.

Learned senior counsel has fairly states that the matter stands adjudicated by this Court conclusively in C.W.J.C. No. 13312 of 2021 decided by this Court on 18th April, 2022, wherein this Court has observed as under:-

“8. Thus, no vested right can be said to have been created in favour of candidates who qualified the exam. The advertisement although mentions various posts against various subjects, it is apparent from the reply filed by the State Government as well as from the impugned order that the State Government has not intended to fill up post under the advertisement. In fact, the posts are to be filled by the Panchayats and Zila Parishad under the Rules framed thereto. Each Employing Unit is required to fill up the posts for its Panchayat/Zila Parishad.

9. In view thereof, the State Government action of declaring the examination conducted by the Bihar School Examination Board as a qualifying examination treating it as Secondary Teacher Eligibility Test (S.T.E.T.) qualified candidates, cannot be said to be illegal or unjustified. Candidates who have passed the Secondary Teacher Eligibility Test (S.T.E.T.), 2019 Patna High Court CWJC No.13312 of 2021 dt.18-04-2022 8/11 examination and secured the minimum qualifying marks will all have been treated as qualified to participate in the selection process. However, the selection process for each unit has to be done individually and those who are found themselves in the merit



according to the rules, would get a chance of appointment in their respective units. Thus, in other words, the State Government has decentralized the appointment procedure for teachers in various Districts, Panchayats and Zila Parishad. The general advertisement thus has not been acted upon.

10. In the opinion of this Court, the aforesaid action of the State Government lies in the exclusive executive domain and such administrative decisions would not be a subject matter of judicial review.

13. It is a case where the State Government has given go by to the entire advertisement and has decided not to fill up the posts under the said advertisement. It is also not a case where any discrimination has been done Patna High Court CWJC No.13312 of 2021 dt.18-04-2022 11/11 vis-a-vis the petitioner in the circumstances, no interference is warranted.”

Keeping in view of the above, the present writ petition
is disposed of in aforesaid terms, as prayed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 34

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