

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1316 of 2021

-
1. Nitu Kumari, aged about 31 years, Gender-Female, W/o Rakesh Kumar Singh, Resident of Village- Prabhunath Nagar, Chapra P.S.- Chapra Muffasil, District- Saran.
 2. Dheeraj Kumar Singh, aged about 38 years, Gender-Male, S/o Nagendra Singh, Resident of Yadopur Road, Sareya Ward No.5, P.S.- Gopalganj (Town), District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
3. The District Collector, Gopalganj.
4. The District Education Officer, Gopalganj.
5. The District Program Officer (Establishment), District- Gopalganj.
6. The Block Education Officer, Gopalganj.
7. The Block Employment Committee of Prakhand Teacher, through its Member Secretary cum Executive Officer, Panchayat Samiti cum Block Development Officer, Kuchaykote, District- Gopalganj.
8. The Block Development Officer, Kuchaykote, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 29-03-2022

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.

Admittedly, the advertisement for the post of Prakhanda Teacher was issued in the year 2008 and 207 posts were advertised. The case of the petitioners are that 38 posts remain unfilled. A select list cannot be said to be alive for 14 years, the State Government has chosen not to fill up the remaining vacancies. Under the advertisement of 2008, after 14 years, this Court would not direct the State or its authorities to fill up the said posts. The petitioners and other candidates may have also become overage by now.

Even otherwise, in view of the law laid down in the case of **Shankarsan Dash v. Union of India** reported as **AIR 1991 SC 1612**, no right of appointment is vested in favour of the petitioners merely because they had applied under the said advertisement. The State Government and its authorities have exclusive right not to fill up the posts, of course, for cogent reasons.

Considering the aforesaid aspects, this Court does not find any reasons to pass orders to direct the State or its authorities to fill up the posts after a period of 14 years.



The writ petition is accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

