

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11212 of 2022

Dr. Maya Raman @ Maya Kumari @ Maya Raman daughter of Sri Rama Nand Singh and Wife of Sri Gopi Raman, resident of C-8, Ashiana Nagar, Phase-II, P.S.-Rajeev Nagar, Patna-800025, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The District Magistrate, Bhojpur at Ara.
5. The District Education Officer, Bhojpur at Ara.
6. The District Programme Officer, Ara.
7. The Ara Municipal Corporation Ara through the Municipal Commissioner, Ara.
8. The Municipal Commissioner, Municipal Corporation, Ara.
9. The Patna Municipal Corporation Patna through its Municipal Commissioner.
10. The Municipal Commissioner, Municipal Corporation, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Aabhas Parimal, Advocate Mr. Gopi Raman, Advocate Mr. Vaidehi Raman Prasad Singh, Advocate
For the Respondent/s	:	Mr. Smt. Binita Singh (SC 28)
For P.M.C.	:	Mr. Sanjay Prakash Verma, Advocate
For Ara Municipal Corp	:	Mr. Bishwa Bibhuti Kr. Singh, Advocate Mr. Manish Dhari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-12-2022 The present writ petition has been filed seeking the following reliefs :-

“(i) For grant of an appropriate writ for a direction to the respondents 7 & 8 to return release the Senior Secondary Teacher



Eligibility Test (STET) Certificate and the original marks sheet and certificate of B.Ed. Examination submitted by the petitioner before the Employment unit of Ara Municipal Corporation, Ara for appointment on the post of Senior Secondary Teacher in Sanskrit in Employment Year 2019-20 (6th Phase), which have been illegally withheld/ impounded by respondent no. 7 and 8 of the aforementioned Employment unit.

(ii) For grant of an appropriate writ for a direction to the respondents 9 and 10 to allow the petitioner to take part in counseling scheduled to be held on 06.08.2022 for appointment on the post of Senior Secondary Teacher in Sanskrit in Patna Municipal Corporation in Employment Year 2019-20 (6th Phase) and to keep one post of Senior Secondary Teacher in Sanskrit in Patna Municipal Corporation in the said employment year vacant till final disposal of the instant writ petition.”

As far as the grievance of the petitioner regarding the Authorities of Ara Municipal Corporation, Ara not returning/ releasing her Senior Secondary Teacher Eligibility Test (BSITET)-2011 Certificate, is concerned, the Ld. Counsel for the respondents no. 7 and 8 has produced the original certificate,



which has been handed over to the learned counsel appearing for the petitioner, hence the said grievance of the petitioner has now stood redressed. The only other prayer made by the petitioner is to allow her to take part in the counselling to be held by the Patna Municipal Corporation for making appointments of Secondary Teachers (6th Phase) or in the alternative reserve one post of Senior Secondary Teacher in Sanskrit subject, for her, pertaining to employment year 2019-21 (6th phase) since she is not able to appear for counselling on account of her certificate being impounded by the Ara Municipal Corporation.

At this juncture, the learned counsel appearing for the Patna Municipal Corporation has stated that the petitioner did not appear in the counseling, along with her educational certificates, on the appointed day, hence her claim for appointment has automatically come to an end, as per resolution No. 1142 dated 1.7.2019, resolution No. 1599 dated 28.7.2022 and the notice dated 16.8.2022, apart from the fact that the selection process of 6th Phase has already stood completed. Nonetheless, it is submitted that in case the petitioner files appropriate representation before the Municipal Commissioner, Patna Municipal Corporation, Patna, the same shall be



considered, in accordance with law.

The learned counsel for the petitioner, though has not controverted the aforesaid submissions made by the Ld. Counsel for the Patna Municipal Corporation, but seeks liberty on behalf of the petitioner to take recourse to such remedies as are otherwise available under the law for the purposes of claiming damages for her being deprived of employment as a Senior Secondary Teacher in Patna Municipal Corporation, solely on account of the laches on the part of the respondents No. 7 and 8. Liberty so sought, is granted.

The writ petition stands disposed off, however, with an observation that in case the petitioner files appropriate representation before the Municipal Commissioner, Patna Municipal Corporation, Patna, the same shall be considered sympathetically, however, it is made clear that neither the aforesaid observation of this Court shall in any way create any right qua the petitioner nor any further writ petition shall lie on the aforesaid subject matter.

(Mohit Kumar Shah, J)

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