

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1162 of 2018

Md. Majammil Ansari Son of Abdul Matin, resident of Village and P.O. Malipur, P.S. Gadhpora, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Public Education, Education Department, Bihar, Patna.
4. The Commissioner, Munger Division, Munger.
5. The District Magistrate, Begusarai.
6. The District Education Officer, Begusarai.
7. The District Programme Officer, Literacy, Begusarai.
8. The Block Education Officer, Block- Gadhpora, District- Begusarai.
9. The Head Master, Urdu Prathmik Vidyalaya, Malipur, P.S.- Gadhpora, District- Begusarai.
10. Md. Shahid Anwar, Son of Md. Abu Nasar, resident of Village and P.O. Malipur, P.S.- Gadhpora, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Hussamuddin Azad, Adv.
For the Respondent/s : Mr. Priyadarshi Matin Sharan, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

4 19-07-2022

1. Heard the parties.

2. The petitioner by way of this writ petition has prayed to quash the order dated 02.02.2016, passed by the District Education Officer, Begusarai, whereby the order dated 22.12.2015, passed by the District Programme Officer, Literacy, Begusarai has been set aside.

3. Learned counsel submits that the petitioner had challenged the appointment of respondent no. 10 namely Md. Shahid Anwar and vide order dated 22.12.2015 it was found by the



District Programme Officer that the appointment of the respondent was illegal and unjustified and his services were dispensed with. However, the petitioner was not given appointment. It is submitted that the select list already prepared was cancelled on 14.09.2013 on the ground that last date for filling the post had expired. The District Programme Officer, however, cancelled the said order of cancellation of select list. The District Education Officer set aside the order of the District Programme Officer vide his order dated 02.02.2016 holding that the application moved by the petitioner was beyond limitation and time barred. Learned counsel submits that the application moved by the petitioner challenging the appointment of the respondent could not be rejected treating it beyond limitation as an appointment made illegally can be challenged at any point of time.

4. Per contra, learned counsel appearing for the State submits that once the appointments are made, the rights of get appointment crystallized in favour of the person and if they are to be challenged, a reasonable period can only be provided. However, in the present case, the appointments were made long back and the petitioner did not challenge the said appointment for a long time. The delay is apparent. Moreover, both belongs to the said community itself and was therefore, rightly given appointment. The District Education Officer order dated 02.02.2016 therefore,



does not warrant any interference.

5. I have considered the submissions, firstly this Court finds that so far as the select list was never operated. The petitioner's right is not created solely because of being included in the list. Further this Court finds that the appointment or renewal of appointment would be to those who have already worked as teacher volunteers at the Talmi Markej in terms of the circular issued by the Department dated 03.05.2013. The petitioner had never worked earlier

6. In view thereof, while the claim of the concerned respondent is not made out, so far as the case of the petitioner is concerned, since, the panel prepared had lost its sanctity after a long period, the same would not create a right in his favour.

7. It is noticed that the Talmi Markej scheme stands changed after 2018 and, therefore, no relief can be granted to the petitioner.

8. The writ petition is mis-conceived and accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

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