

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19014 of 2018

1. Rekha Kumari @ Rekha Rani and Anr wife of Sri Mahendra Prasad Yadav
Resident of Village-Kaluri,P.S. Banka,Distt.-Banka
2. Hariom Shankar Son of Late Ram Kishun Yadav Resident of Village-
Kalaure,P.S. Banka,Distt.-Banka

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Regional Deputy Director,Bhagalpur
3. The District Education Officer,Banka
4. The District Programme Officer,Banka
5. The Block Education Officer,Banka

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv.
For the Respondent/s : Mr. Arvind Kumar, AC to Gp23

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 17-10-2022

1. Heard the parties.

2. The petitioners by way of this writ petition pray to grant them 20% weightage for having worked and served as Special Education Service at The Banka Block Centre, while considering their candidature for appointment as a Primary School Teachers. The petitioners have pointed out that they have worked as Special Education Teachers under District Jan Shiksha Padadhikari, Banka. A training certificate was also given to them for the period from 01.03.2000 to 31.03.2001. In view thereof, they ought to have been granted 20% marks as an

additional weightage while considering their candidature for appointment on the post of Primary Teachers.

3. The respondents State has filed its reply and it is stated that while such a provision for grant of weightage of 20% marks was available in making appointment on the post of Shiksha Mitra and Block Teacher under the Panchayat Teachers Appointment Rules, 2006 as well as 2008, in the new rules which was promulgated as Bihar Panchayat Primary Teacher (Appointment & Service Conditions) Rules, 2012, no such weightage of 20% marks was provided. In absence of such a provision for granting weightage with respect to experience, the claim made by the petitioners is a futile claim.

4. I have considered the submissions. Granting or not granting of weightage with respect to experience is a policy decision to be exclusively taken at the behest of the respondents. The State has excluded such a provision while promulgating rules of 2012. Although earlier the said benefit was being granted. The provisions of rules of 2012 are not under challenge.

5. In view thereof, the benefit of experience as Special Education Teacher and granting 20% extra weightage cannot be granted to the petitioners in absence of such a provision under

the rules of 2012 by this Court.

6. Keeping in view thereto, the claim of the petitioners is found to be without basis and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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