

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9863 of 2019

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Rita Pandey @ Rita Mishra D/o Late B.P. Pandey W/o of A.K.Mishra Res. of
Mohalla- Purandarpur, P.S. - Jakkanpur, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, New Secretariat, Patna.
2. The Director, Research and Training, Department of Education, Government of Bihar, Patna.
3. The Secretary Bihar Staff Selection Commission, Bihar, Patna.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 5559 of 2022

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Ramjee Prasad Son of Late Gupteshwar Ram, Resident of Village and P.O.-
Nuaon, P.S.- Krishna Brahm, District- Buxar.

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Chairman, Staff Selection Commission, Veterinary College, Patna.
4. The Secretary, Staff Selection Commission, Veterinary College, Patna.
5. The Director, Primary Education, Bihar, New Secretariat, Patna.
6. The District Education Officer, Buxar.

... .. Respondents

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Appearance :

(In Civil Writ Jurisdiction Case No. 9863 of 2019)

For the Petitioner	:	Mr. Awadhesh Kumar Mishra, Advocate
For the State	:	Ms. Binita Singh, SC-28
For the BSSC	:	Mr. Sanjay Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 5559 of 2022)

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra, Advocate
For the State	:	Ms. Binita Singh, SC-28
For the BSSC	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-09-2023 Heard learned counsel for the petitioners and learned

counsel for the State as also learned counsel for the Bihar Staff

Selection Commission.



2. The petitioners in both the writ applications are praying for a writ in the nature of mandamus directing the respondent authorities to consider their case for appointment on the post of Teacher in Government Elementary Schools from General Category in the light of the judgment passed by this Court in CWJC No. 17899 of 2012 (Kanti Kumari Vs. State of Bihar and Ors.) as well as Hon'ble Apex Court judgment in Contempt Petition (Civil) No. 297/2007 in Special Leave Petition No. 22882/2004 whereby and whereunder direction has been given to the respondent authorities to fill up the total vacancies of 34,540 from amongst the trained teachers as per roster and session-wise.

3. Learned counsel for the petitioners submits that the petitioners had applied for the post of Teacher in Government Primary School pursuant to the Advertisement No. 210 of 2010 and their name appeared in the merit list of the Teacher. It is the case of the petitioners that some vacancies out of 34,540 are still existing.

4. In CWJC No. 5559 of 2022, apart from the aforementioned facts, it is further stated that in the light of the judgment of this Court in CWJC No. 17889 of 2012 and LPA No. 1491 of 2014, the Principal Secretary, Human Resources Development Department, Government of Bihar prepared and issued the integrated session-wise seniority list of Primary Teacher



in which the petitioner's position had been mentioned at Sl. No. 24,365 but wrongly shown in General Category whereas he belongs to BC category as is evident from Annexure '1'.

5. Learned counsel for the petitioner submits that in CWJC No. 5559 of 2022, there is an interim order to keep one post reserved for the petitioner. Learned counsel submits that the petitioner has submitted a representation as contained in Annexure '3' to the writ application. It is further stated by this petitioner in paragraph '9' of the writ application that after submission of the representation by the petitioner, the Staff Selection Commission has carried out necessary correction and has treated the petitioner as a BC candidate which would be evident from Annexure '5' to the writ application. His grievance is that even as his name is mentioned at Sl. No. 11,288 in the corrected merit list, the respondents have not issued appointment letter to him.

6. A counter affidavit has also been filed in both the writ applications. In CWJC No. 9863 of 2019, the respondents have submitted that in compliance of the different orders of this Hon'ble Court and Hon'ble Apex Court, the Staff Selection Commission invited online objections and after scrutiny of all the objections recommended a final list of Assistant Teachers to the Education Department, Government of Bihar vide Memo No. 958 dated 07.05.2019. The recommendation for 1,960 posts have already



been sent and for the rest 244 posts, process of recommendation is going on. It is further stated that the petitioner in this case belongs to General Category and in General Category, total 1,960 candidates have been recommended whose sessions are 1984-86 whereas the petitioner's session is 1991-92, therefore, the name of the petitioner is not mentioned in the recommended list.

7. In CWJC No. 5559 of 2022, a specific statement has been made in paragraph '7' of the writ application that "as per the records, the last candidate recommended by the Staff Selection Commission for the purpose of appointment against the remaining vacancies out of 34540 posts, in the BC category had been up to academic session 1985-87 with 65.13% marks".

8. According to the respondents, in this case, the percentage of marks of the petitioner had been below the cut off marks.

9. Having regard to the specific stand taken by the State respondents in their counter affidavit, the petitioners have no case.

10. These writ applications are dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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