

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15169 of 2015

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Sarwan Kumar Gupta S/o Shri Jokhu Ram Gupta, resident of Mohalla - Asifganj, (Main Road, Takia), P.S. - Kotwali, Tahsil - Sadar, Dist. - Azamgarh UP presently residing at Mohalla Brahampur, P.S. - Bhagwan Bazar, Chhapra, Dist - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Education Department, Bihar, Patna.
3. The District Education Officer, Saran at Chapra.
4. The District Programme Officer, Establishment, Saran at Chapra.
5. The Secretary Bihar Public Service Commission, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Shankar Das, Advocate
For the State	:	Mr.Kamlesh Kishore, AC to SC 12
For the BPSC	:	Mr. Sanjay Pandey, Advocate
		Mr.Nishant Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 22-02-2023 The petitioner by way of this writ petition has prayed
as under : -

“i To direct the respondents to appoint the petitioner on the post of assistant teacher in government primary/middle school on the ground that the petitioner has already been selected in the year 1994 by the BPSC vide letter no.197 dt. 18.08.94.

ii. To direct the respondent to accept the joining of the petitioner vide letter no.2366 dt. 7.12.94 issued by the Director, Primary Education, Bihar who directed the DEO, Saran to appoint the petitioner on the post of Assistant Teacher. The petitioner after recommendation made by the BPSC was not appointed on the ground that he is/was resident of UP State.

iii. To appoint the petitioner the forthwith in government middle school by accepting his



joining on the ground of non resident of Bihar, who was never the condition precedent for the selection at the post in question but as per circular and resolution of the govt.”

2. It is also stated by the petitioner that he had earlier filed a writ petition before this Court bearing CWJC No.6786 of 1997, which was withdrawn by him, after the counter affidavit was filed by the PSC. The order dated 07.10.1998 passed in CWJC No.6786 of 1997 may be read as under :-

“Learned counsel for the petitioner submits that in view of the counter affidavit filed in this matter by the Public Service Commission, particularly in view of Annexure-C/1 to the said counter affidavit he is withdrawing this writ petition. This writ petition is therefore dismissed as withdrawn.”

3. Keeping in view the order passed by the High Court earlier, no fresh writ petition could have been filed for the same prayer.

4. The writ petition is wholly misconceived and the same is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Chn/-
Item No.47

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