

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14993 of 2015

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Noor Fatma Khatoon Daughter of Jahur Mian Resident of Village Jalaha
Mian Tola, P.O. Manglapur, P.S. Sangrampur, District East Champaran
Motihari.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, East Champaran, Motihari.
3. The Block Development Officer B.D.O. Sangrampur, East Champaran,
Motihari.
4. The Block Education Officer, Sangrampur, District Motihari.
5. Javed Ahmad Ansari Son of Bashir Ahman Ansari, Resident of Village
Dariapur, P.S. Sangrampur, District East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Adv.
For the Respondent/s : Mr. Sushil Kumar Singh, AC to AAG 13

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

ORAL ORDER

2 22-02-2023 1. The petitioner by way of this writ petition assails

the orders by which the respondent was appointed to the post of

Talimi Markaj on the ground that the petitioner is a female and

had also applied for the same post. It is submitted that the

petitioner, therefore, ought to have been given appointment on a

priority basis in view of the conditions of employment as laid

down by the State Government vide its order dated 03.05.2013.

2. I have considered the submission, as per the

circular dated 03.05.2013 laying down the conditions of

employment for appointment as Tola Sevak or Shiksha



Swayamsevi (For Talimi Markaj). It was provided that though previously appointed Shiksha Swayamsevis and women candidates would be given priority. In the present case, the respondent and the petitioner had applied, however, this Court notices that the respondent possessed 73.8% while the petitioner possessed 59.75 % of qualifying marks. In view of the higher percentage of the respondent, he was appointed.

3. In the opinion of this Court, the question of priority/preference would arise only when two persons are similarly situated that means having the same percentage. Keeping in view the fact that the respondent has a much higher percentage in the qualifying exam, the appointment offered to him cannot be said to be unjustified or illegal or violating the instructions issued by the Government.

4. The writ petition is misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 38

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