

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2292 of 2019

Md. Sadruddin S/o Md Badre Alam R/o village Gobraha PO Luxmipur ,via
Chakand , P.S Belaganj, District Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the principal Secretary Education department, Govt. of Bihar
2. The Principal Secretary Education Department Govt. Of Bihar
3. The Director Secondary Education Government of Bihar
4. The District Teacher Employment Appellate Authority Buxar Through its Secretary
5. The Presiding Officer District Appellate Authority buxar
6. The District Magistrate Buxar
7. The District Education Officer Buxar
8. The District Programme Officer (Establishment) buxar
9. The Zila Parishad Secondary and Higher Secondary Teacher Employment Unit , Buxar, Through its Secretary
10. The chairman Zila parishad cum Chairman , Zila Parishad Secondary and Higher Secondary Teacher Employment Committee,
11. The Deputy Development Commissioner cum the Secretary, Zila Parishad Secondary and Higher Secondary Teacher Employment Committee, Buxar,
12. The Executive Officer Zila Parishad Buxar,
13. The District Programme Officer Secondary , Buxar
14. Simmi Khatoon D/o Md. Haneef Khan Through the Executive officer Zila Parishad Buxar
15. Md.Hasan Ansari S/o Abdul Gafoor Through The Executive Officer, Zila Parishad, Buxar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mrityunjay Kumar
For the State	:	Mr. Sarvesh Kumar Singh, AAG 13
		Ms. Sunita Kumari, AC to AAG 13
For respondent no. 10	:	Mr.Vijay Shankar Upadhyay

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 18-12-2023 1. Heard learned Counsel for the parties concerned.
2. The petitioner has challenged the orders passed by the
- District Appellate Authority and the State Appellate



Authority.

3. The petitioner participated in the selection process of Urdu Teachers, initiated in the year 2007.
4. Learned Counsel for the petitioner submits that after counselling, merit list of 21 candidates were prepared on 28.02.2007 and the petitioner secured 69.47 per cent. Further, the seats were filled up to 69.61 marks and the authority, thereafter, after filling up 21 vacancies, held subsequent counselling on 01.03.2007 for the waiting list candidates, in which the petitioner was placed at serial no. 3 and two candidates, who were having higher marks than that of the petitioner, were appointed on the post of teachers vacated by the candidates upon their resignation.
5. The argument of the petitioner is that at the first instance the last candidate, who obtained the cut off marks and was appointed was 69.61, as such, in the second round of counselling, the candidate having 70.51 marks could not have been considered for appointment. However, admittedly, both the candidates, who were appointed, were having higher marks than the petitioner. The main thrust of argument of the petitioner is that when one post, which had fallen vacant due to termination/cancellation of



appointment of another candidate, it could have been filled up by appointing the petitioner in the same selection process.

6. Admittedly, after 2007 selection process, 2008 selection process was completed in the year 2008 and thereafter the third phase of selection of teachers was started in the year 2012 and all the vacancies of 2007 were forwarded in 2008 and ultimately in 2012 selection. Now, new rules, Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, 2023, has come into force with effect from 10th April, 2023, as such, no relief can be granted to the petitioner for his appointment on the post of teachers which, according to the petitioner, was to be filled up by him in the year 2007.
7. Accordingly, I do not find any merit in this writ application.
8. This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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