

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17933 of 2015**

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Simmi Suman, W/o Sri Mukesh Kumar Gupta, R/o village - Karim Nagar,  
P.S. Mohiuddin Nagar, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,  
Government of Bihar, Patna.
2. The Director Primary Education Government of Bihar, Patna
3. The Member District Teacher Employment Appellate Authoirty, Samastipur,  
Distt. - Samastipur
4. The District Education officer Samastipur, Distt. - Samastipur
5. The District Programme officer, Samastipur, District Samastipur
6. The Block Education officer, Mohanpur, Distt. - Samastipur
7. The Block Development officer, Mohanpur, Distt. - Samastipur
8. The Block Pramukh, Mahanpur, Distt. - Samastipur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate  
For the Respondent/s : Ms. Kumari Amrita, GP-10

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      09-02-2024                      1.    Heard learned counsel for the petitioner and  
learned counsel for the respondents.

2. The petitioner has filed the instant writ application  
praying for a direction to the respondent authorities to consider  
the petitioner for employment on the post of Block Teacher at  
Mohanpur Block in the District of Samastipur.

3. The case of the petitioner is that the respondent  
no.2 in the year 2008 came out with a notification during the  
schedule for appointment as Block Teacher. As per the schedule,  
the advertisement was published on 19.9.2008, the applications



were to be submitted and thereafter the appointments as a Block Teacher was to be made by 19.12.2008. It is the case of the petitioner that out of the 22 sanctioned vacant posts, 6 posts were for unreserved females while 2 posts were for BC female category. The petitioner belonging to the EBC female category and having 63.33 % marks in the Intermediate, filed an application and appeared for counselling on 24.1.2009. It is the case of the petitioner that in the merit list prepared, her name figured at serial no.8. It is submitted that inspite of the name of the petitioner figuring in the merit list and existing vacancies, the petitioner was not appointed.

4. It is further submitted by learned counsel for the petitioner that similarly situated person namely Ram Briksh Ram moved this Court in CWJC no.12487 of 2012 which was allowed vide order dated 20.7.2012 (Annexure-6). As such the case of the petitioner being on a similar footing, the instant application also be allowed.

5. The application is opposed by learned counsel appearing for the respondents. It is submitted that besides their being a bald statement in paragraph no.10 of the writ application that the petitioner's name figured at serial no.8 in the merit list, an incorrect reliance is being placed by learned counsel for the



petitioner on the orders passed in the case of Ram Briksh Ram which is clearly distinguishable. It is submitted that though no counter affidavit has been filed, even accepting for the sake of argument, the fact that the petitioner was empanelled, though not admitting the same, the petitioner did not move against his not being appointed within the life of panel, as has been discussed in the said order. For an appointment taking place in the year 2009, the petitioner moved the Court more than 5 years later in the year 2015. As such the writ application be dismissed.

6. Having heard learned counsel for the parties and having perused the contents of the petition, the facts not in dispute are that even as per the petitioner's case, the process of appointment commenced sometime in the year 2008-09. The process of appointment concluded in the year 2010. It is the case of the petitioner that though she was empanelled, however inspite of existence of vacancies, respondents did not appoint her. Besides the facts that an empanelled candidate does not have an indefeasible right to demand an appointment, accepting the case of the petitioner that she was empanelled, nevertheless she moved against her not being appointed in the writ application only in the year 2015. The life of the panel had lapsed long time ago and thus no relief can be granted to the



petitioner.

7. For the reasons stated above, the Court finds no merit in the writ application and the same is dismissed.

**(Partha Sarthy, J)**

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