

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8749 of 2015

=====

Sajjan Kumar Jha Son of Chitrakant Jha, Resident of Village - Rasiary, P.S. - Ghanshyampur, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Primary, Education Department, Government of Bihar, Patna.
4. The Secretary, Bihar State Staff Selection Commission, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar Yadav, Advocate
For the Respondent/s	:	Mr. Manoj Kr. Yadav, AC to GA10
For the Commission	:	Mr. S.S. Sundarwan, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 4 29-01-2024 1. Heard learned counsel for the petitioner and learned counsel for the respondents.
2. The petitioner has filed the instant application for the following relief/s:-

“(i) For issuance of writ/writs, order / orders and direction / directions, to direct the Respondents to make appointment of the petitioner on the post of Assistant Teacher in Elementary Schools in Bihar on the remaining 2413 posts out of the 34540 posts, of which a merit list was prepared on the direction of the Hon'ble Supreme Court passed in Special Leave Petition (Civil) No.22882 of 2004 and Special Leave Petition (Civil) No.26824 of 2012 and analogous cases.

(ii) Any other relief / reliefs for which the petitioner are entitled in the facts and circumstances of the case.”



3. The case of the petitioner in brief is that inspite of the petitioner having completed his physical education training in the session 1986-87 and having obtained certificate in physical education (C.P.Ed) and inspite of vacancy in posts, he was not appointed as an elementary teacher, appointments taking place on a total of 34540 posts pursuant to the direction of the Hon'ble Supreme Court.

4. Bereft of unnecessary details, it may be stated here that in the counter affidavit filed on behalf of the Bihar Staff Selection Commission (respondent no. 4) it has been stated that the petitioner having applied for appointment as physical education teacher in the general category, in the said category persons having certificate in physical education till the cut-off session of 1981-82 have been appointed whereas the petitioner obtained his certificate in the session 1986-87. It is for this reason that the petitioner has not been selected for the said post.

5. Relevant portion of the counter affidavit of the respondent no. 4 is quoted here-in-below:-

“3. That the aforesaid writ application has been preferred by the petitioner for a direction to make appointment on the Post of Assistant Teacher in Elementary Schools against the remaining 2413 posts out of 34,540 vacancies of Assistant Teacher.



4. That at the outset it is stated that selection against remaining 2413 posts of Assistant Teacher out of 34,540 has been carried out and concluded. The petitioner had submitted application against the vacancies of Physical Teacher as a General Candidate.

5. That as per available records of the Commission, it was found that the cut-off session for Physical Teacher of General Category was 1981-82 whereas the petitioner has completed his CPED training in Session 1986-87.

6. That it is therefore, stated that the Session of the Petitioners training for Physical Teacher (CEPD) was found after the cut of Session and therefore the petitioner has not been selected for the said post. The status of the petitioner in the said selection process and cut-off Session category wise has been prepared in tabular form for better appreciation of the facts.

The Photocopy of the detail status and cut of Session category wise are being annexed herewith and marked as Annexure -R4/A (Series).”

6. At this stage learned counsel for the petitioner submits that a direction be issued that as and when appointments are made in the future for the training session that the petitioner obtained his C.P.Ed training, he be considered for the appointment.

7. Having heard learned counsel for the parties and



having perused the material on record, especially the statement made in the counter affidavit filed on behalf of the Bihar Staff Selection Commission, as quoted here-in-above, nothing remains in the writ application and the same is dismissed.

8. It goes without saying that as and when the respondents proceed to make further appointment and the petitioner makes an application for the same, the same shall be considered in accordance with law.

(Partha Sarthy, J)

Harsh/-

U			
---	--	--	--

