

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12178 of 2024

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Ashok Kumar Sharma Son of Late Jagdish Singh, Resident of Village-
Dilvarpur, P.O.- Bihta, P.S.- Bihta, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Baily Road, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Deputy Director, Primary Education, Government of Bihar, Patna.
5. The District Education Officer, Patna.
6. The Secretary, Bihar Staff Selection Commission, Veterinary College, Patna.
7. The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Mishra, Advocate
For the Respondent/s	:	Mr. Government Pleader (22)
		Mr. Rakesh Ranjan, AC to GP-22
For the BSSC	:	Mr. P. K. Shahi, Sr. Advocate
		Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 20-08-2024

Heard learned counsel for the parties.

2. This writ petition has been filed seeking a direction to the respondent for appointment of the petitioner on the post of Assistant Teacher, Physical Education pursuant to the Advertisement No. 210/2010 issued by the Bihar Staff Selection Commission.

3. Learned counsel for the petitioner contends that though the advertisement is of the year 2010, the selection process continued till the year 2023, due to intervention of various orders passed by the Court. To drive home the point that the petitioner is entitled to be recommended and appointed as Assistant Teacher, Physical Education in terms of the Advertisement No. 210/ 2010 issued by the Bihar Staff Selection Commission, the petitioner in paragraph Nos. 15, 16 and 17 has stated as under:

" 15. That the Bihar Staff Selection Commission, Patna issued Office memo No. 958 dated 07.05.2019 for recommendation of the candidates to the post Assistant Teacher against the remaining 2213 post under the Advertisement No. 210/2010.

16. That the Bihar Staff Selection Commission, Patna issued memo dated 3371 dated 22.08.2023 pursuant to the order passed by Hon'ble Patna High Court in Contempt petition No. 3525/2017, invited 275 Out of 500 candidates category wise against the remaining post for Assistant Teacher for documents verification on 01.09.2023.

17. That the petitioner was fully eligible in accordance with the advertisement as well as the Rule-2010 but the respondent Commission did not recommend his name to the assistant teacher for physical Education,

Since, non inclusion of the petitioner is a result of mala fide and arbitrary action of the respondent Commission..."

4. From reading of paragraph Nos. 15, 16 and 17 of the writ petition to which attention of the Court has been drawn by the learned counsel for the petitioner, it is noticed that the petitioner in paragraph No. 15 states that the Bihar Staff Selection Commission has issued Office Memo No. 958 dated 07.05.2019 for recommendation of the candidates to the post of Assistant Teacher against the remaining 2213 posts under the Advertisement No. 210/2010.

5. In paragraph No. 16, the petitioner states that the Bihar Staff Selection Commission has issued Memo No. 3371 dated 22.08.2023 pursuant to the order passed by this Court in Contempt Petition No. 3525/2017, whereby 275 candidates out of 500 candidates category-wise against the remaining post of Assistant Teacher has been invited for document verification on 01.09.2023.

6. The petitioner finally states in paragraph No. 17 of the writ petition that the petitioner was fully eligible in accordance with the advertisement as well as the Rules-2010 but the

respondent did not recommend his name, as a result of *mala fide* and *arbitrary* action by the Bihar Staff Selection Commission.

7. I have carefully gone through the paragraph Nos. 15, 16 and 17 of the writ petition, which paragraphs, according to the learned counsel for the petitioner, are foundation of the petitioner's case. Though in the paragraphs under reference the petitioner has stated that the Bihar Staff Selection Commission has issued a Memo No. 958 dated 07.05.2019 for recommendation of 2213 Assistant Teacher under Advertisement No. 210/2010 and that the Commission has issued yet another Memo No. 3371 date 22.08.2023 inviting 275 candidates for document verification on 01.09.2023, the petitioner has not pleaded in paragraphs under reference or under any of the paragraphs of the writ petition, as to how his name ought to have been placed in the select list or invited for document verification either under the Memo No. 958 dated 07.05.2019 or Memo No. 3371 dated 22.08.2023. Nor has the petitioner made any specific or categorical pleading as to whose *mala fide* and *arbitrary* action of the respondent has resulted in not selecting the petitioner for appointment as Assistant Teacher, Physical Education.

8. Under the circumstances, I am of the view that no case is made out by the petitioner for issuance of notice to the

respondents. Accordingly the writ petition is devoid of merit and
is hereby dismissed.

(Nani Tagia, J)

Nishant/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2024.
Transmission Date	NA