

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5029 of 2017

1. Rajni Kant S/o Ram Narayan Yadav, resident of village Post - Itahari, P.S. Salkhua, Block - Banma Itahari, District - Saharsa
2. Om Prakash Gupta, S/o Hari Kishor Gupta, resident of village - Arraha, P.O. Suhath, Via - Sour Bazar, District - Saharsa
3. Pawan Kumar, S/o Bhubneshwar Sahu, resident of Lagma, P.O. Tariyama, P.S. Simri Bakhtiyarpur, District - Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Secondary Education, Govt. of Bihar, Patna
4. The Bihar School Examination Board Higher Secondary, through its Secretary, Budh Marg, Patna
5. The Secretary, Bihar School Examination Board Higher Secondary Budh Marg, Patna

... Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr.Smt. Shilpa Singh- GA 12
	:	Mr. Apurva Kumar, Advocate
	:	Ms. Abhanjali, Advocate
For BSEB	:	Mr. Ajay, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-06-2024 1. Heard learned counsel for the parties concerned.

2. The petitioners have challenged the order passed

by the Principal Secretary, Education Department,

Government of Bihar, Patna dated 30.06.2015 bearing Memo

no. 1313, by which the representation of the petitioners has

been disposed holding that the appointment process of the

third phase is completed and the process for appointment of



fourth phase has been initiated. It has further been observed that the validity of S.T.E.T. Examination, 2011 shall be for a period of 07 years.

3. Learned counsel for the petitioners submits that in the District of Saharsa, due to irregularity in the S.T.E.T. Examination, 2011, re-examination was held on 30.05.2013, in which the petitioners and other similarly situated candidates were declared successful. Some of the similarly situated candidates approached this Court by filing a writ petition bearing C.W.J.C. No. 22254 of 2013 and analogous cases, which was disposed by a co-ordinate Bench of this Court with a direction to the petitioners, who have not been selected and appointed, to move before the appropriate forum, raising their grievance for their appointment on the post of Teachers. It is further submitted that a writ petition filed by the petitioners bearing C.W.J.C. no. 14225 of 2014 was disposed on 28.08.2014 in terms of the order dated 24.04.2014, passed by this Court in C.W.J.C. No. 22254 of 2013 and analogous cases. Learned counsel submits that the writ petitioners of C.W.J.C. No. 22254 of 2013 and analogous cases have been granted appointment on the post of Teacher whereas the claim of the petitioners has not been considered



by the Principal Secretary, Education Department. Learned counsel also submits that 07 persons who were appointed, were having lesser marks than the petitioners but the petitioners have been left out.

4. Learned counsel for the State submits that in a similar writ application bearing C.W.J.C. no. 4772 of 2015, a co-ordinate Bench of this Court, vide order dated 04.05.2015, has held that no direction in favor of the petitioners for appointment can be made after the appointment process is over, however liberty was granted to the petitioners to assail the appointment of such persons, who supposedly had lesser marks in merit than the petitioners.

5. Having regard to the facts and circumstances of the case, I find that it is not disputed that process of appointment of third phase has been completed as on the date, the representation of the petitioners was being decided by the Principal Secretary, Education Department, Government of Bihar and selection process of fourth phase had already been initiated. Accordingly, no direction in favour of the petitioners for appointment can be issued by this Court after the appointment process is over. However, the petitioners are at liberty to assail the appointment of those persons, who were



appointed having lesser marks than the petitioners, before the District Appellate Authority, in accordance with law.

6. With the aforesaid observations and directions, this writ application is dismissed.

(Anil Kumar Sinha, J)

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