

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4492 of 2012

-
1. Md. Meraj Alam Son Of Md. Raisuddin Resident Of Village-Mahila, P.O.-Salmari, P.S.-Azam Nagar, District-Katihar
 2. Md. Imtiyaz Alam Son Of Md. Maqsood Resident Of Village-Maghota, P.O.-Narayanpur, P.S.-Barahat, District-Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Secondary Education, Department Of Education, Bihar, Patna
3. The District Education Officer, Banka

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey, Advocate
For the Respondent/s : Mr. Satya Vrat, AC to GP 10

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 01-03-2024

Heard Mr. Brisketu Sharan Pandey, learned counsel
for the petitioners and Mr. Satya Vrat, learned AC to GP 10
appearing on behalf of the State.

2. The present writ petition has been filed for quashing the rejection letter dated 19.11.2011 issued by the respondent no. 4 by which the claim of the petitioners for appointment as Librarian in Zila Parishad Secondary, Banka has been rejected on the ground that the petitioners hold the degree of Alim which is not the requisite qualification as per the advertisement for the post in question.

3. Learned counsel for the petitioners submits that



pursuant to the advertisement published in the year 2008 for appointment on the post of Librarian in Zila Parishad Secondary School in the District of Banka the petitioners applied for the said post on 17.11.2008. He further submits that the qualifications for the post of Librarian in Secondary and Higher Secondary Schools have been laid down in clause 4 (vii) of the Bihar Zila Parishad Secondary and Higher Secondary Teachers (Employment and Service Condition) Rules 2006 and as per the aforesaid clause the qualification of the Librarian in such schools is that the candidates were required to have degree of graduation with at least 45% of the marks from a recognized University but the amendment was made in the year 2009 by which the degree of Alim obtained from Bihar Madarsa Education Board was also treated to be equivalent to the degree of graduation for the purpose of appointment on the post of Librarians. The petitioner no. 1 has obtained degree of Alim Honours from Bihar Madarsa Education Board in the year 2007 and the degree of Bihar of Bachelors of Librarian from Zavier International University Bali, Goa and petitioner no. 2 has obtained the degree of Alim Honours from Bihar Madarsa Education Board in the year 2006 and Bachelors of Librarian from Zavier International University, Bali, Goa in the year



2006.

4. Learned counsel for the petitioners submits that the merit list was prepared and the name of the petitioner no. 1 was shown at serial no. 6 whereas the name of the petitioner no. 2 was shown at serial no. 11 at the said list and in the final list which was published on 19.11.2011, the name of the petitioners have been shown at serial no. 4 and 5 respectively by which the claim of the petitioners for appointment as Librarian has been rejected on the ground that they have obtained degree of Alim. He further submits that it appears from the rules which were framed in the year 2006, it is evident that the candidates having degree of Alim from Bihar Madarsa Education Board have been treated to equivalent to the degree of graduation and as such there was no reason to deprive these petitioners to be considered for appointment of Librarians.

5. Learned counsel appearing on behalf of the State submits that he has filed a counter affidavit stating therein that the degree of the Alim is valid for the appointment of Urdu teachers only. The petitioners have applied for the post of Librarian and their applications were not considered on account of their Alim degree. However, as per the direction of this Hon'ble Court dated 06.03.2012 passed in the writ petition, the



petitioners were allowed to participate in the counseling and in view of the merit list their appointment letters were issued, but the same has not been handed over to the petitioners.

6. Learned counsel for the State further submits that in fact, the amendment was made in the year 2009 by which degree of Alim obtained from Bihar Madarsa Education Board was also treated to be equivalent to the degree of graduation for the purpose of appointment on the post of Librarian but it is the admitted fact that the present advertisement was published in the year 2008 before the amendment of 2009, so the authority has rightly rejected the candidature of the petitioners on the ground that the petitioners have no valid degree pursuant to the advertisement of the year 2008. An amendment was made in Bihar Zila Parishad Secondary and Higher Secondary Teachers (Employment and Service Condition) Rules, 2006 vide amendment dated 26.02.2009 and the advertisement was published on 25.08.2008, so the petitioners cannot get the benefit of the subsequent amendment.

7. In view of the aforesaid, it is an admitted fact that the amendment was made in the year 2009 and the advertisement was published on 25.08.2008 and on the date of advertisement, the degree of the Alim was not treated as



equivalent degree to the degree of graduation for the purpose of appointment on the post of Librarian and on the date of filing of the application the petitioners have no requisite qualifications as prescribed in the advertisement which was published on 25.08.2008.

8. Accordingly, there is no merit in the writ petition and the same stands dismissed as being devoid of merit, there will be no order as to costs however.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.03.2024
Transmission Date	N/A

