

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17032 of 2023

=====

Anju Kumari W/o Sri Naresh Prasad Verma, Resident of Flat No.-105, Smriti Apartment, D.V.C. Gate, Jakkanpur, Patna.

... .. Petitioner/s

Versus

- 1 . The State of Bihar Through the Secretary, Human Department, Bihar, New Secretariat, Govt. of Bihar, Patna.
2. The Secretary, Staff Selection Commission, Govt. of Bihar, Shekhpura, Patna.
- 3 . The Director, Secondary Education, Human, Resources Dept., New Secretariat, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Verma, Advocate Mr. Naresh Prasad Verma, Advocate
For the Respondent/s	:	Mr. P.K. Verma (Aag3) Mr. Suman Kumar Jha, AC to AAG 3
For BSSC	:	Mr. Satyabir Bharti , Advocate Mr. Abhishek Anand , Advocate Mr. Kanupriya, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2024 Heard learned counsel for the parties.

2. The present writ application has been filed for quashing of order as contained in letter No. 1685 dated 9.8.2019/19.8.19 passed by the Director, Secondary Education (Respondent no.- 3 herein) whereby and where under the claim of the petitioner for her selection/appointment for the post of Asstt. Teacher (Biology) has been rejected with respect to Advt. No.-1/1988 published in the year 1988 .

3 . Learned counsel for the petitioner submits that for the similar relief, earlier petitioner has moved before this



Hon'ble High Court in CWJC 19849 of 2013 with prayer to consider the case of the petitioner for appointment which was disposed of by this Hon'ble Court vide order dated 30.10.2018 with liberty to petitioner to approach the Director, Secondary Education , Education Department Bihar Patna . Pursuant to the order passed by this Hon'ble Court, petitioner moved before the Director, Secondary Education , Education Department Bihar Patna who after considering the case of the petitioner, rejected the claim of the petitioner on the ground that the name of the petitioner does not figure in the selection list.

4. Learned counsel for the petitioner submits that order impugned is bad in law and is in violation of Article 14 and 16 of the Constitution of India and as such , impugned order is required to be interfered by this Hon'ble Court.

5 . On the other hand, in this case , a counter affidavit has been filed on behalf of respondent No. 3 and in paragraph 10 of the same it is stated that in compliance of the order dated 30.10.2018 passed in CWJC No. 19849 of 2013 the Director, Secondary Education considered the case of the petitioner and came to the conclusion that the Vidyalaya Sewa Board (Dissoved) was the competent authority to make selection of teacher and the Education Department had got no jurisdiction to



interfere in the affairs of the Board and since the name of the petitioner did not contain in the list of successful candidates , hence there is no justification for her appointment as a teacher and accordingly the representation submitted by the petitioner was rejected vide letter No. 1685 dated 19.08.2019 contained in Annexure P / 11 to the writ petition .

6. Having heard the parties and from perusal of the record, it appears that earlier, the petitioner has moved before this Hon'ble High Court in CWJC 19849 of 2013 , which was disposed of with liberty to the petitioner to approach the Director, Secondary Education , Education Department Bihar Patna with direction that if any person below in the merit list was appointed ignoring the claim of the petitioner and if any vacancy for appointment of Assistant Teacher (Biology) exists, the Director, Secondary Education may consider the case of the petitioner within the time frame indicated therein as is evident from Annexure P/6 to this writ application . Thereafter, the petitioner filed an application dated 27.11.2018 alongwith copy of order of this Hon'ble Court dated 30.11.2018 with a prayer to consider her case for selection / appointment as Trained Asstt. Teacher (Biology) vide Annexure P / 10 to the writ application . Thereafter, petitioner filed a contempt Application bearing MJC



No. 3441 of 2019 and during pendency of the said contempt Application , the Director, Secondary Education passed an order as contained in letter 1685 dated 09.08.2019 / 19.08.2019 (Para – 1) by which selection / appointment to the post of Asstt. Teacher (Biology) has been rejected.

7. It is also taken into consideration that pursuant to the order passed by this Hon'ble Court, petitioner moved before the Director, Secondary Education , Education Department Bihar Patna who after considering the case of the petitioner, rejected her claim on the ground that the name of the petitioner does not figure in the selection list but the aforesaid fact has not been disputed or controverted by the petitioner by filing any rejoinder.

8 . In the aforesaid facts and circumstances of the case , this Court does not find any infirmity or illegality in the impugned order and this writ petition is accordingly dismissed.

(Prabhat Kumar Singh, J)

Koushik/-

U			
---	--	--	--

