

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.540 of 2024

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Afroz Alam son of Md. Abbas, Resident of Village-Nawada, P.O.-Chak Nawada, P.S. and District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education Department, Government of Bihar, Patna.
4. The Deputy Development Commissioner cum Chief Executive Officer Zila Parishad, Samastipur.
5. The District Magistrate, Samastipur.
6. The District Education Officer, Samastipur.
7. The District Programme Officer, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto
For the Respondent/s : Mr. Ramadhar Singh (Gp25)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 15-03-2024

Heard Mr. Ram Narayan Mahto, learned counsel for the petitioner as well as Mr. Ramadhar Singh (GP 25), learned counsel for the State.

2. The petitioner has filed the present writ application for issuance of writ, order or/and direction to the respondents for quashing the Memo No.216 dated 27.04.2023 issued by Chief Executive Officer Zila Parishad, Samastipur whereby and whereunder who has not consider the name of petitioner for



appointment/selection on the post of Secondary Teacher under District Samastipur on the ground of after published the Advertisement petitioner along with others have applied within time and after consideration, petitioner was selected and approval was given to submit original document with regard to qualification certificate. Subsequently, petitioner submitted his original documents before Authority, thereafter, selection was made but petitioner was not selected. Subsequently, petitioner filed Appeal No.187 of 2010 before District teacher Appointment Appellate Authority, Samastipur and after hearing the parties order has been passed on 02.11.2010 by which direction has been given in view of law within a year post are available then, the petitioner's name can be considered for appointment of Secondary Teacher. Thereafter, petitioner filed several applications before concerned authorities but they did not considered the grievance of the petitioner. Then, petitioner filed application before Chief Executive Officer Zila Parishad, Samastipur and and after hearing, he rejected the grievance of the petitioner and issued Memo No.216 on 27.04.2023 and after quashing the same further gave directions to the respondents to appoint the petitioner on the post of Secondary Teacher under District- Samastipur.



3. Learned counsel for the petitioner submits that petitioner belongs to Muslim Caste and he has done B.A., M.A. in English. After applying for the said post, petitioner's application was considered for counselling and he appeared in counselling where he was selected and approval was given to submit original document with regard to qualification and as per the requirements, he submitted all the relevant documents.

4. He submits that a person who got 60.64% marks got appointed but petitioner got only 59.30% marks and due to this reason, he was not appointed on the post of Secondary Teacher. The posts remained vacant but the authorities did not considered the name of the petitioner. Thereafter, petitioner moved before District Teacher Appointment Appellate Authority, Samastipur and filed an appeal bearing Appeal No.187 of 2010.

5. The District Teacher Appointment Appellate Authority, Samastipur, heard the appeal and passed an order on 09.11.2010 vide memo no.724 and gave direction to District Education Officer, Samastipur to consider the name of the petitioner, if posts are available within a year (Annexure-P/2).

6. He further submits that the District Education Officer did not considered the grievance of the petitioner, then the petitioner filed an application under RTI before District Education Officer,



Samastipur on 03.12.2010 to know about how many posts of English Teacher is available from 25.10.2020 to 2011 but the same has not been given.

7. Petitioner, thereafter, filed application before Janta Darbar at District Magistrate, Samastipur on 15.09.2011. Then, the Incharge Officer, Zila Jan Sikayat Koshang Samastipur, sent letter no.4217 dated 23.09.2011 to District Education Officer, Samastipur with regard to petitioner's grievance. Petitioner filed representation on 02.07.2012 before District Magistrate, Samastipur with regard to redressal of his grievance which is pending (Annexure-P/5).

8. He further submits that petitioner has filed several representations before the authorities who are sitting over the matter, then petitioner again filed representation before District Education Officer, Samastipur on 09.03.2022 by which details was mentioned with regard to his grievances.

9. He further submits that in view of Annexure-10, the grievance of the petitioner was rejected by Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Samastipur and Annexure-P/11 was issued on 27.04.2023.

10. Learned counsel for the State submits that there is no illegality in the order passed by the Deputy Development



Commissioner cum Chief Executive Officer, Zila Parishad,
Samstipur.

11. In view of the facts and circumstances of the case, there is no merit in the present writ application. It is accordingly, dismissed.

12. However, the concerned Authorities are directed to return the original documents of the petitioner within a period of two weeks’.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2024
Transmission Date	NA

