

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.328 of 2024

Chandani Kumari D/o Udal Singh, resident of Village-Dhobdiha, P.S.
Nabinagar, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The District Magistrate, Aurangabad
3. The Director, Secondary Education Bihar Patna.
4. The District Education Officer, Aurangabad, Bihar
5. The District Programme Officer (Establishment), Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Government Advocate-10

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 15-03-2024

Heard learned counsels for the parties.

2. The petitioner has prayed for following relief(s):-

I) For issuance of an appropriate writ/writs, order/orders, direction/directions commanding and directing the respondent(s) concerned to appoint the petitioner on the post of Guest Teacher in the light of advertisement published in the newspapers for a general appointment of Guest Teacher in the secondary schools in all districts of Bihar.

II) For issuance of any other writ/writs, order/orders, direction/direction for granting any other relief/reliefs for which petitioner is found entitled under the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that in light of the letter No. 9/B.V.P.S./2015/400 dated 12.07.2023 issued by



the Director Secondary Education, Patna (respondent no.3), an advertisement dated 17.07.2023 was published. Pursuant to the aforesaid advertisement, the petitioner also applied for the post of Guest Teacher under E.W.S. category on 20.07.2023 in Aurangabad. She submitted her application along with her educational certificates and marksheets before the authority concerned. In furtherance of the application submitted by the petitioner and other such candidates, for engagement on post of Guest Teacher in Aurangabad District, Bihar, a provisional list for engagement as Guest Teacher against vacancy under Subject-Physics, has been published on 22.07.2023 in which the name of the petitioner appears at SI. No. 17 having 76.11 merit points. Subsequently, a list of the selected candidates, who were asked to join the abovesaid post, was published, but the name of the petitioner did not appear in the said list and a candidate, namely, Deep Sikha, whose name was appearing at Serial No. 21 in the merit list under same category and had 75.36 merit point that is less than the merit point of the petitioner, was asked to join the abovesaid post.

4. Being aggrieved, the petitioner made her complaint before the District Magistrate, Aurangabad (respondent no.2) as well as before the District Education Officer (respondent no.4)



for the irregularity committed in selection for the said post, but nothing was done in that regard except the oral evidence. Thereafter, petitioner submitted an application under Right of Information Act seeking the grounds on which she was not selected for the said post, but no informant was given to her by the concerned authority. The real fact is that the respondents have selected the candidates on their own choice ignoring the due process of law and the guidelines issued by the concerned Department.

5. It is further submitted that petitioner is an unemployed lady and in spite of having more merit points than the selected candidates, she has not been given opportunity to join and serve on the said post.

6. Learned counsel for respondent no.5 filed a counter affidavit stating therein that after publishing the provision list for engagement as Guest Teacher against vacancy under Subject-Physics, a final list for engagement on the post of Guest Teacher in Aurangabad District of Bihar has been published on the N.I.C., portal of Aurangabad, Bihar on 26.07.2023 along with the notice to all the applicants of physics to appear for counselling on 27.07.2023 and give their consent for engagement against vacancy at Anugrah Madhya Vidyalaya,



Aurangabad from 10.30 A.M. to 04.00 P.M. along with the required documents mentioned thereunder, but the petitioner failed to appear at the notified place of counselling and due to her failure in giving her consent for engagement against the above-mentioned vacancy, her candidature has been rejected and her name has not been included in the final selection list.

7. From the aforesaid discussions, it is evident that the candidature of the petitioner has been rejected due to failure on her behalf in giving consent for engagement against the above-mentioned vacancy on 27.07.2023. Hence, her case for the appointment on the post of Guest Teacher cannot be considered.

8. In that view of the matter, I do not find any merit in the present writ application. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2024
Transmission Date	NA

