

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.497 of 2022

In

Civil Writ Jurisdiction Case No.8449 of 2022

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Deepak Kumar Sinha Son of Gopal Prasad, Resident of Village- Machhindra,
Police Station- Jhajha, District- Jamui (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Jamui.
5. The District Programme Officer (Establishment), Jamui.
6. The Block Education Officer, Jhajha, Police Station- Jhajha, District- Jamui.
7. The Panchayat Secretary, Gram Panchayat, Raj Barajor, Police Station- Jhajha, District- Jamui.
8. The Mukhiya, Gram Panchayat Raj Barajor, Police Station- Jhajha, District- Jamui.
9. Md. Irfan Ansari, Resident of Village- Barajor, Police Station- Jhajha, District- Jamui.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rikesh Sinha, Advocate
Mr. Vaibhav Vishal, Advocate
For the Respondent/s : Smt. Shilpa Singh, GA-12
Mr. Prashant Ranjan Singh, Adv.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 16-09-2025

Appellant has assailed the order of the learned Single Judge dated 26.08.2022 passed in CWJC No.8449 of 2022.

2. Core issue involved in the present lis is among the appellant and 9th respondent who is more merited for the selection



and appointment to the post of teacher. The appellant has suffered an order before the learned Single Judge in CWJC No.8449 of 2022 on 26.08.2022. The question for consideration is whether 20 marks is required to be added or 2.2% is required to be added towards weightage for experience gain in terms of Rule-7 of 'बिहार नगर निकाय प्रारंभिक शिक्षक (नियोजन एवं सेवा शर्त) नियमावली, 2006'. It is necessary to reproduce the aforementioned rule and it reads as under.

“7. उक्त नियमावली, 2006 के नियम 9 का उपनियम (iv) के खण्ड (क) का संशोधन।

नियम 9 के उपनियम (iv) के खण्ड (क) के अन्त में निम्नलिखित को जोड़ा जायेगा:-

परन्तु नियम 4 के उप नियम (2) में उल्लेखित अभ्यर्थियों के मामले में 1 वर्ष या अधिक शिक्षण अनुभव के लिए 20 अंक उनके मेधा अंक में जोड़े जायेंगे।”

3. Appellate authority as well as learned Single Judge have failed to appreciate tenor of the aforementioned rule to the extent that it does not speak of any percentage of weightage is required to be extended, on the other hand it restrict weightage of 20 marks is required to be added. If 20 marks is added to the appellant Deepak Kumar Sinha, in that event, appellant Deepak Kumar Sinha is more merited than 9th respondent Md. Irfan Ansari who had secured 58.22%. It is to be noted that Md. Irfan Ansari is not entitled to benefit of 20 marks as is evident from the selection records. Therefore, both Appellate Authority and learned Single



Judge have committed error to the extent that 2.2% is required to be added to the appellant’s marks i.e. 53.88% plus 2.2.% would be 56.08%. If 20 marks is added, it would be 73.88% and it is more than the 9th respondent Md. Irfan Ansari percentage-58.22%.

4. Taking note of these facts and circumstances, appellant has made out a case so as to interfere with the order of the learned Single Judge dated 26.08.2022 passed in CWJC No.8449 of 2022 and it is set aside. Writ petition allowed. Concerned authority is hereby directed to appoint Deepak Kumar Sinha- appellant, if he is otherwise eligible to the post of Panchayat Teacher. The above exercise shall be completed within a period of three months from the date of receipt of this order. With the above observation LPA stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

Prakash Narayan

AFR/NAFR	NAFR
CAV DATE	NA
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