

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.493 of 2021

In
Civil Writ Jurisdiction Case No.17598 of 2019

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Mina Kumari Daughter of Ganesh Ram, Wife of Bhagrasan Manjhi Resident
of Village and P.O. Rasulpur, (Tilauta), P.S.- Pachrukhi, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
4. The Principal Secretary, Department of Human Resource, Govt. of Bihar, Patna.
5. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. Ajay Kumar Rastogi, AAG 10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 17-07-2023

Heard learned counsel for the respondents and perused
the material on record. None appears on behalf of the appellant.

2. The instant appeal has been preferred against the order
dated 30.7.2021 passed in C.W.J.C. no. 17598 of 2019.

3. The case of the appellant in brief is that she completed
her two years teachers training course for the Session 1989-91
from Zakir Hussain Primary Teacher Training College,
Sultanpur, Patna. Pursuant to the direction of the Hon'ble
Supreme Court the examinations were held in the year 2007 and



the results published in the year 2008.

4. In the meantime, the respondents proceeded with the appointment of teachers under the Bihar Special Primary Teacher Appointment Rules, 2010, Rule 4 of which provided that the candidates should have obtained their educational qualification before the cut of date on 23.1.2006. Clause 5(2) of the advertisement published by the Bihar Staff Selection Commission clearly provided that the candidate should have passed the training course before 23.1.2006. The appellant not being eligible in view of the fact that her examinations for the training course were held after the cut of date, filed C.W.J.C. no. 17598 of 2019 for the following relief(s) :

“a. For directing the respondents to give the petitioner relaxation in the cut off date i.e 23/01/2006 mention under Rule 4 of the Bihar Special Primary Teaches Appointment Rules 2010, so that she may come within the zone of consideration for appointment of Assistant teachers.

b. For directing the respondents to publish the name of the petitioner against the SC category in the final select 3 merit list prepared in the wake of the directions of this Hon'ble Court in C. Rev 16/1016, for the appointment of 2213 Assistant Teachers.c. For directing the respondents to appoint the petitioner Assistant Teacher against the 380 reserved posts for the Scheduled castes out of the total 2213 remaining posts.



d. For any other relief/s which is deemed fit and proper the facts and circumstances of the case.”

5. The learned single Judge having heard learned counsel for the parties was pleased to dismiss the writ application mainly on the two grounds i.e firstly that the appellant did not satisfy the eligibility not having obtained the teachers training qualification before the cut of date of 23.1.2006 and secondly there being no justifiable explanation for the delay of nine years in filing of the writ application which was filed in the year 2019 with respect to an appointment for which advertisement was published in the year 2010.

6. Having perused the material on record, the Court finds no merit in the instant appeal.

7. The appeal is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Prakash/-

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