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21-2-14

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C. No. / of 2014

Kalpana KumariPetitioner

Versus

The State of Bihar and OthersRespondents

Sub : Civil Writ Matter.

Primary Teacher

INDEX

<u>S.No</u>		<u>Particulars</u>	<u>Page No.</u>
1.		An application under Article 226 of the constitution of India.	1-21
2.	Annexure : 1	A photo copy / True type copy of matriculation certificate.	22-23
3.	Annexure : 2 Annexure : 2/A	A photo copy / True type copy of the marks sheet as well as the certificate of Intermediate Education.	24-25
4.	Annexure : 3	A photo copy / True type copy of the teacher training certificate.	26
5.	Annexure : 4	A photo copy / True type copy of the Objection petition dated 24/01/2012.	27
6.	Annexure : 5	A photo copy / True type copy of the gradation/merit list.	28
7.	VAKALATNAMA		

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil writ Jurisdiction)

C.W.J.C. No ----- of 2014

Kalpana Kumari ----- Petitioner

Versus

The State of Bihar and Others ----- Respondents

Synopsis

That the petitioner of this case filed this writ application for grant the reliefs, Issuance of Writ/Writes, Order/Orders, Direction/Directions in the nature of writ of mandamus commanding the respondent authorities to issue appointment letter in favour of petitioner for her appointment as Primary Teacher within the district of Madhepura in pursuant to the order passed by the Hon'ble Supreme Court of India in SLP(C) No. 22882/2004 whereby and where under the Hon'ble Supreme Court has

been placed to direct the state Government of Bihar to advertise 34540 seats for appointment of Assistant Teachers.

For further direction to the respondent authorities to immediately issue the appointment letter in name of the petitioner while the petitioner has passed the teacher training (trained teacher) from Mahila Primary Teacher Training College, Madhepura while the petitioner has been trained from this institute and has been shown to be the recognized institute but the respondent authority have made claim that the aforesaid institute have been shown to be un-recognized/Fake, whereas from the same institute the other candidates have been found eligible and have been appointed but this petitioner has not been appointed by the respondent authorities. For further prayer for the petitioner to direct the respondents authorities to consider the objection petition which has already been filed by the petitioner before the Bihar Staff Selection Commission of the status of the petitioner status of her institution in respect of which the object has already been filed by the petitioner but the aforesaid object petition has not been consider by the respondent

Authorities while the petitioner has not been considered by the Primary Teacher and the objection petition has been filed by the petitioner within time i.e on 25/01/2012 before the respondent No. 2,3 and 5.

For further prayer of the petitioner to pass any other relief/reliefs, order/orders, direction/directions as may deem fit and proper in the facts and circumstances of this case.

Relevant Dates and Events

S.No.	Date/Year	Events
1.	1990	Petitioner has passed the matriculation examination from Bihar School Examination Board, Patna
2.	1991	Petitioner has passed the Teacher Training from Mahila Primary Teachers Training College, Madhepura in session 1989-1991.
3.	1994	Petitioner has passed the Intermediate examination from Bihar Intermediate Education Council
3.	2003	Advertisement made by the Bihar Government for 34540 seats for appointment of Assistant Teachers.
4.	24.01.2012	Objection petition filed by the petitioner
		Hence this write application has been filed by the petitioner.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil writ Jurisdiction)

C.W.J.C. No ----- of 2014

In the matter of an application

under Article 226 of The

Constitution of India

And

In the matter of

Kalpana Kumari, Daughter of Basudeo Prasad Yadav, wife of Raju Kumar,

Resident of village - Ithari, P.O - Gohuman, P.S - Singheshwar, District -

Madhepura

----- Petitioner

Versus

1. The State of Bihar through the Principle secretary Department
of Human Resource Government of Bihar, Patna.

2. The Director, Primary Education Department of Human
Resource Government of Bihar, Patna
3. The Joint Director, Primary Education Department of Human
Resource Government of Bihar, Patna
4. The Secretary, Primary Education Department of Human
Resource Government of Bihar, Patna
5. The Bihar Staff selection commission, Government of Bihar,
Patna
6. The District Magistrate, Madhepura
7. The District Education Officer, Madhepura

----- Respondents

appointment as Primary Teacher within the district of Madhepura in pursuant to the order passed by the Hon'ble Supreme Court of India in SLP(C) No. 22882/2004 whereby and where under the Hon'ble Supreme Court has been placed to direct the state Government of Bihar to advertise 34540 seats for appointment of Assistant Teachers.

- ii. For further direction to the respondent authorities to immediately issue the appointment letter in name of the petitioner while the petitioner has passed the teacher training (trained teacher) from Mahila Primary Teacher Training College, Madhepura while the petitioner has been trained from this institute and has been shown to be the recognized institute but the respondent authority have made claim that the aforesaid institute have been shown to

be un-recognized/Fake, whereas from the same institute the other candidates have been found eligible and have been appointed but this petitioner has not been appointed by the respondent authorities.

- iii. For further prayer for the petitioner to direct the respondents authorities to consider the objection petition which has already been filed by the petitioner before the Bihar Staff Selection Commission of the status of the petitioner status of her institution in respect of which the object has already been filed by the petitioner but the aforesaid object petition has not been consider by the respondent Authorities while the petitioner has not been considered by the Primary Teacher and the objection petition has been filed by the petitioner within time i.e on 25/01/2012 before the respondent No. 2,3 and 5.

10/03/1973.

ii. Whereas the petitioner after obtaining teacher's Training degree from the aforesaid institute she had been applied for appoint in advertisement No. 210/2010 published by the state of Bihar for 34540 seats for appointment of Assistant Teacher ultimately transferred to the Hon'ble Supreme Court of India vide SLP(C) No. 22882/2004 arose out of alleged breach of undertaking side to have been filed by the state of Bihar and the order has been passed by the Hon'ble Supreme Court on 23rd January 2006 , while the undertaking said to have given on 18/01/2006 by the Hon'ble Supreme Court in SLP(C) No. 22882/2004.

iii. Whereas the Hon'ble Supreme court of India has been pleased to passed the aforesaid order on 19th January 2009 when a number of writ application have been filed against the state of Bihar raising issued

relating to the appointment of teachers of Primary School at one stage on account of charge in the policy, who were in place at the time when the undertaking were given by the state of Bihar. But the petitioner has not been appointment while the name of petitioner has been mentioned in gradation (merit) list. In the first gradation (merit) list with serial Number as 54000 and also in the third and final gradation (merit) list the name of the petitioner has been appointed. Such actions of the respondent authority have not illegal?

- iv. Whether the name of the petitioner which is mentioned in the final Gradation (merit) list prepared by the respondents in spite of that the petitioner has not been appointed. So far on the same gradation (merit) list the other similar situated candidates, there

name is mentioned in the bottom in the gradation (merit) list and they were appointed while the name of the petitioner which is mentioned in the top of the gradation list but she has not been appointed. Such action of the respondent authority is not illegal mala-fide and discriminatory?

4. That the present writ application may be passed on the following **GROUND**S :-

- i. For that the Respondent Authorities are not legally justified in not appointing the petitioner as a teacher.
- ii. For that non-appointment of the petitioner is against the gross violation of the direction issued by the Hon'ble Supreme court of India.
- iii. For that once the name of the petitioner has been approved by the Hon'ble Supreme court there no

legally impediment in the appointment of the petitioner as Primary Teacher.

iv. For that Hon'ble Supreme court has category held with Rule framed by the State Government shall be deemed to have been modified to the extent of the direction and order issued by the Hon'ble Supreme Court of India.

v. For that no information has been provided to the petitioner by the Respondent Authorities for her non-appointment as Primary Teacher.

vi. For that the name of the petitioner was duly sent by the State Government recommended by the committee duly constituted under the order of the Hon'ble Supreme Court and finally approved by the Hon'ble Supreme in exercise their power for appointment of 34540 seats for the post of Assistant

Teachers and name of the petitioner was mentioned in the merit lists i.e in the first merit list at SI No. 54000 but she has not been appointed having without any information.

vii. For that the petitioner has been subjected to hostile discrimination since Respondent Authority have appointed the candidates similar to the petitioner but had denied the same to the petitioner and no reason has been mentioned and without giving any information to the petitioner for their non-appointment as Primary Teacher.

viii. For that the action of the respondent Authority is violating the Article 14 and 16 of the constitution of India.

5. That short facts of the case is that the petitioner has passed matriculation Examination of the Bihar School Examination Board, Patna in the year 1989 in first division.

A photo copy / True type copy of the matriculation certificate is hereby annexed and marked as **Annexure -1** to this writ application.

6. That the petitioner has also passed Intermediate examination through the Bihar Intermediate Education Council, Patna.

A photo copy / True type copy of the Marks sheet as well as the certificate of the Intermediate Education

Council issued the certificate in the name of the petitioner is hereby annexed and marked as *Annexure - 2* ^{and 2/A} in the writ application.

7. That the petitioner has also passed the Teacher's Training in session 1989-91 from Mahila Primary Teachers Training College, Madhepura.

A photo copy / True Type copy of the teachers training certificate is hereby annexed and Marked as *Annexure - 3* in this writ application.

8. That in the year 2003 the state of Bihar advertised 34540 seats for appointment of Assistant Teacher and the matter of the appoint seats for appointment of assistant teacher and the matter of the appoint of 34540 teachers ultimately travelled up to the Hon'ble Supreme Court of India through SLP

9. That in the order of the Hon'ble Supreme Court of India a Committee was constituted which recommended the settled list of trained teachers to be appointed. A list duly settled by the committee was placed before the Hon'ble Supreme Court and the Hon'ble Supreme Court approved the roster as well as seniority list. The said list approved by the Hon'ble Supreme Court was sent to the Government of Bihar for Implementation.

10. That thereupon the selection process was initiated by by the state of Bihar. The petitioner as per the

said Merit List and other qualified candidates were called for counselling and the petitioner appeared for counselling and subsequently all the person found eligible for appointment as per the roster and were allotted the districts of posting. the petitioner was allotted the district of Madhepura and thus the petitioners name was shown in Zila List with fully details of the petitioner and also stated her respective training session.

11. That general notice was published in the signature of the respondent authority whereby it has been intimated that any candidate who has made any claim for appointment as Assistant Teacher, then like petitioner, are required to file their objection petition before the Bihar Staff Selection Commission, Patna as well as before the authorities concerned accordingly, the petitioner filed an objection petition on 24/01/2012 before the respondent No. 5 but the same has not been considered and no information has been

has made request them for providing her appoint letter but the same has not been considered by the Respondent Authorities.

14. That it is also relevant to mention here that till date no communication has been made by the Respondent Authorities to the petitioner showing for non-providing of the appointment letter and the respondent authorities but no reason has been given for non-providing of the appointment letter and the respondent authorities are keeping mum over the issue.

15. That the action of the Authorities concerned for non issuing the appointment letter to the petitioner despite specific order / Direction of the Hon'ble Apex court is illegal, Mala-fide un-just, discriminatory and against the principle of natural justice.

18. That the petitioner has earlier not moved for grant of any writ petition presently to this Hon'ble Court for relief / reliefs sort for in this writ application but the petitioner has earlier moved before Hon'ble Supreme Court of India through the I.A. in contempt petition no. 297/2007.

It is therefore prayed that your Lordship may graciously be please to admit this writ application issue rule NISI calling upon the respondents as to show cause, if they appear, as to why the reliefs shown in paragraph - 1 to this writ application be not granted in favour of the petitioner and such other rule if shown any after

21
AFFIDAVIT

I am **Kalpna Kumari**, age about 40 years Son of **Basudeo Prasad Yadav**,
Wife of **Raju Kumar** Resident of Village - Itahari, P.O – Gahomani, P.S. -
Singheshwar and District – Madhepura, do hereby solemnly affirm and
stated as follows :-

- 1) That I am sole petitioner in this case and am well acquainted with the facts and circumstances of this case.
- 2) That the contents of the petition have been read over and explained to me in Hindi which, I fully understood.
- 3) That the statement made in paragraph Nos. 5,6,7,11,16 are true to my knowledge and those made in paragraph no. 1,2,3,4,8,9,10,12,13,14,15,17,18 are true to my information derived from the records of this case and rests are by way of submission in this Hon'ble Court.
- 4) That the annexure are photo / true copies of their respective originals.

कल्पना कुमारी

बिहार विद्यालय परीक्षा समिति



सं०/89C 0179064

प्रमाणित किया जाता है

कि KALPANA KUMARI रोल कोड 04412 कर्मांक 0522 जो

BASUDEO PRASAD YADAV के पुत्र / की पुत्री हैं, और जिनकी जन्म-तिथि

10 MARCH 1973 ई० है, B MURHO H/S MURLIGANJ से 1989 ई०

की वार्षिक/सूक्ष्म माध्यमिक परीक्षा में FIRST श्रेणी में उत्तीर्ण *हुए/हुई।

उनका पाँचवां विषय ECONOMICS रहा जिसमें वे उत्तीर्ण/अनुत्तीर्ण*रहे।

समाजोपयोगी उत्पादक कार्य तथा सामुदायिक सेवा के आधार पर विद्यालय द्वारा प्रदत्त ग्रेड

A है।

बिहार विद्यालय परीक्षा समिति

पटना, तिथि 121/89/4989

ई० | 4/01/93

सचिव

18763

संख्या 95-A



बिहार विद्यालय परीक्षा समिति

बिहार प्रतिष्ठान विद्यालय परीक्षा 1989-91

परीक्षा संख्या: Kalpana Kumari कोट नं० 4402 संकाय 15 का बिहार प्रतिष्ठान परीक्षा 1989-91

ने पराचारक विस्तारित है।

3/1/98

निम्नतम शान्ताक		मिडिलियम विषय में प्राप्तांक		अन्तर्गत न्यूनतम में प्राप्तांक		सहायक विषय (अतिरिक्त)		शारीरिक परीक्षा (अतिरिक्त)		शारीरिक परीक्षा (अतिरिक्त)	
अंग्रेजी	900	अंग्रेजी	50	अंग्रेजी	50	अंग्रेजी	50	अंग्रेजी	50	अंग्रेजी	50
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नाम

बिहार विद्यालय परीक्षा समिति

3/1/98

No. AS4933

BIHAR INTERMEDIATE EDUCATION COUNCIL, PATNA



I. A.

The following are the marks obtained by SHYAM SHYAM Roll No. 30021 at the Intermediate Examination in Arts 19 90 held in the month of MAY 19 93. Enrolment No. MD-755 of 19 90

Subjects	Rashtra Bhasha Hindi	Rashtra Bhasha (Non Hindi) & M. B. 50 + 50	Language and Literature Compulsory (50 Marks)	OPTIONAL I (H. Sc.)		OPTIONAL II (Maths)		OPTIONAL III (Maths)		ADDITIONAL		TOTAL (To be written in words also)	REMARKS
				Theory	Practical	Theory	Practical	Theory	Practical	Theory	Practical		
Full Marks	100	50+50	200	200	50	200	50	200	50	200	50		Five involved seventy nine only.
Pass marks	30	30	60	150	20	150	250	150	20	150	20		
Marks obtained by the candidate	60	-	85	91	48	170	-	125	-	-	-	579	GSI Division.

Asst. Secy. [Signature]

S. K. Mishra

Tabulator

[Signature]
Secretary

RS-15/-

BIEC/E/ 24013

SH: 00023993

BIHAR INTERMEDIATE EDUCATION COUNCIL



PATNA

Certified that KALPANA KUMARI

Son / Daughter of BASUDEO PRASAD YADAV

of College S.A.D. COLLEGE, PATHRAHA, MADHEPURA

appeared as REGULAR has duly passed the Annual

Intermediate Examination in 1993 of ARTS held in the month of May

1993 and was placed in the First Division.

Subjects Offered.

- | | |
|-----------------|-----------------|
| 1. K.B. HINDI | 5. MATHEMATICS |
| 2. SANSKRIT | 6. (Additional) |
| 3. HOME SCIENCE | 7. (Vocational) |
| 4. MUSIC | |

Dated, Patna 23/10/2006

Smt. Shriya Dandia Tewari
Secretary

बिहार
Bihar
विद्यालय परीक्षा
School Examination
समिति
Board
पटना
PATNA



प्रमाणित किया जाता है कि

कल्पना कुमारी रोल कोड 4402 क्रमांक 15 जो

श्री वासुदेव प्रसाद यादव के पुत्र/की पुत्री है और जिनकी

(10-3-73)

जन्म-तिथि दस मार्च लिडजर ई० है, प्राथमिक शिक्षक शिक्षा-महाविद्यालय

मथुरा से 89-91 सत्र की वार्षिक/पूरक

शिक्षक प्रशिक्षण (नियमित/संक्षिप्त सत्र) परीक्षा में उत्तीर्ण हुए/हुई।

उत्तीर्ण हुए/हुई।

पटना, तिथि 15-8-88 20 ई क

सचिव

02-4

27

श्री 0-वेदनीय आचार्य संस्थान

आपत्ति हेतु प्रपत्र

(विज्ञापन संख्या-210/2010, पद-सहायक आचार्य)

(उम्मीदवार की प्रति)

आपत्ति प्रपत्र क्रमांक (कार्यालय प्रयोग हेतु)

1. अभ्यर्थी का नाम:- कृतयुक्ता कुमारी
2. अभ्यर्थी का माननीय सर्वोच्च न्यायालय में समर्पित सूची क्रमांक:-
3. पिता का नाम:- आसुदेव प्रसाद पाठक
4. जन्मतिथि:- 10-03-1973
5. स्थायी पता:- ग्राम: इटहरी, पोस्ट: (उत्तमनी) नरसिंह (मिहोडा)
जिला - मधेपुरा
6. संस्थान का विवरण जहाँ से प्रशिक्षण प्राप्त किया:-

क्रमांक	संस्थान का नाम	विश्वविद्यालय/बोर्ड का नाम	प्रशिक्षण का प्रकार (दो वर्षीय/बी०एड०/ सी०पी०एड०/डी०पी०एड०)
	M.P.T.T.C मधेपुरा	बिहार विद्यालय परीक्षा समिति पटना	दो वर्षीय

7. वैसे अभ्यर्थी (क्रमांक-6 के संस्था से प्रशिक्षण प्राप्त) का नाम जिन्हें माननीय सर्वोच्च न्यायालय में समर्पित सूची में शामिल किया गया है:- श्री कुमारी
8. माननीय सर्वोच्च न्यायालय में समर्पित सूची में कॉलम-7 के अभ्यर्थी का क्रमांक
9. संलग्न किए जानेवाले साक्ष्य की सूची का विवरण:-
(1) मैट्रिक मूल प्रमाण पत्र (2) मैट्रिक अंक प्रमाण पत्र (3) मैट्रिक प्रमाण पत्र (4) मैट्रिक प्रमाण पत्र (5) मैट्रिक प्रमाण पत्र (6) मैट्रिक प्रमाण पत्र (7) मैट्रिक प्रमाण पत्र (8) मैट्रिक प्रमाण पत्र (9) मैट्रिक प्रमाण पत्र (10) मैट्रिक प्रमाण पत्र

मैं घोषणा करता/करती हूँ कि उपरोक्त विवरणी सही है।



अभ्यर्थी का हस्ताक्षर

22-5

28

34

STAFF SELECTION COMMISSION, BIHAR

ADVERTISEMENT NO. 210/10 INTEGRATED SESSIONWISE SENIORITY LIST OF PRIMARY TEACHERS

Sr. No.	Applicant Name	DOB	TC	Session	Percent	Category	Course	Father's Name	Permanent Address	Institution Name	Remarks	Unregistered Institution
54130	SADHANA KUMARI	OP2010123838	10-Feb-1973	2Yr Tr	1989-1991	71	GEN	GENERAL	CHANDRA SHEKHAR JHA	VILL WANI PO VANI DIST SAMASTPUR	GOVT. W.P.T.C. PUSA SAMI.	
54131	SADHANA KUMARI	OP2010095467	10-Feb-1973	2Yr Tr	1989-1991	71	GEN	GENERAL	CHANDRA SHEKHAR JHA	VILL WANI PO VANI DIST SAMASTPUR	GOVT. W.P.T.C. PUSA SAMI.	
54132	RUBI KUMARI	OP2010118356	25-Jun-1973	2Yr Tr	1989-1991	71	GEN	GENERAL	LALTESHWAR PRASAD	W/O SURESH KUMAR AT+PO SOHANTHIVI JAMBHUA	PA.TE.COLL. DIGHI	
54133	ASTITI KUMARI	OP2010232744	15-Oct-1973	2Yr Tr	1989-1991	71	GEN	GENERAL	LALTESHWAR PRASAD	W/O SURESH KUMAR AT+PO SOHANTHIVI JAMBHUA	PA.TE.COLL. DIGHI	
54134	SHANAZO KHATOOR	OP201057007	5-Apr-1967	2Yr Tr	1989-1991	70.93	BC-I	GENERAL	SHAH	VILL MISHRATAMWAN PO BHATTAHAR PS THARTHARI DIST	GOVT. W.P.T.C. PUSA SAMI	
54135	SATYAANAND SINGH	OP2010119756	5-Jun-1968	2Yr Tr	1989-1991	70.93	BC-II	GENERAL	MD ALI SHARAF	MALANWA PIN-843035	MAHILA P.T.E. COLL. BANMHI	
54136	KUMARI IRANI	OP2010599938	15-Jun-1968	2Yr Tr	1989-1991	70.93	BC-II	GENERAL	SHRI JANKI SINGH	VILL SHARATH KHUND PO SIKKANTA KALAN PS	MULAT PRIMARY TEACHER EDUCATION COLLEGE	
54137	RUBY KUMARI	OP2010117505	9-Feb-1969	2Yr Tr	1989-1991	70.93	GEN	GENERAL	BIRENDA PRASAD SINGH	BIHAR DIST BHUPUR BIHAR PIN-802222	MAHILA P.T.E. COLLEGE, DARBHANGA	
54138	FAIZAZ	OP2010113633	15-Aug-1970	2Yr Tr	1989-1991	70.93	GEN	GENERAL	MD. ISA	BAWNA, DIST. ANULZAFABADUR	W.P.T.E. COLL. LAKHISARAI	
54139	RAVI KUMAR	OP201052416	31-Dec-1970	2Yr Tr	1989-1991	70.93	GEN	GENERAL	SRI LAKSHMISHWAR PRASAD	AT+PO-DUMARI VIA-SICOUT DIST-SUZAFABUR BIHAR	P.T.E. COLL. BARRI PATNA	
54140	USHA KUMARI	OP2010112002	6-Jan-1972	2Yr Tr	1989-1991	70.93	GEN	GENERAL	SALINI PRASAD	C/O NAGESHWAR PRASAD W/O SANJEEV K. AM. VILL+PO-MANHAR VIA-KHUSPUR, PS.	PRIMARY TEACHER EDUCATION COLLEGE	
54141	KALPANA KUMARI	OP2010120169	10-Mar-1973	2Yr Tr	1989-1991	70.93	BC-II	GENERAL	ESADUVEY PRASAD	CHANDI DIST-MALENDI PIN-843032	M.P.T.C. MADHEPURA	
54142	SHALYA KUMARI	OP2010119737	25-Jun-1965	2Yr Tr	1989-1991	70.9	GEN	GENERAL	YADAV	AT+TANARI, PO-GAURAMANI VIA-SINGHESHWAR DIS-	W.P.T.E. COLLEGE KUMAR BAGH	
54143	SANTOSH KUMAR	OP2010356431	1-Apr-1966	2Yr Tr	1989-1991	70.9	BC-I	GENERAL	RAMLAKHAN PRASAD	W/O KRISHNA KANT PANDEY AT-JABOALI P.O. BRINDAVANASHYAM P. S. CHAMPARAN W. CHAMPARAN	PRIMARY TEACHER EDUCATION COLLEGE NAMANGAN	
54144	RAHMA SINGH	OP2010153355	8-Feb-1973	2Yr Tr	1989-1991	70.9	GEN	GENERAL	DEO RAJ SINGH	W/O SURESH KUMAR AT+PO-SOHANTHIVI JAMBHUA	M. PRIMARY TEACHER EDUCATION COLLEGE	
54145	SURENDRA KUMAR	OP2010066319	2-Jan-1969	2Yr Tr	1989-1991	70.87	BC-I	GENERAL	SRI JAGDISH PO SINGH	VILL+PO-PASRADA DIST-KHAGARIA (BHARJIPIN 851212)	SHARHUR AUBANGABAD	
54146	ANITA KUMARI	OP2010090818	30-Sep-1969	2Yr Tr	1989-1991	70.87	GEN	GENERAL	SIVA KAM SINGH	W/O SURESH KUMAR AT+PO-SOHANTHIVI JAMBHUA	MAHILA P.T.T. COLLEGE, PUSA (SAMASTPUR)	
54147	PUSHPA KUMARI	OP2010065067	10-Jan-1968	2Yr Tr	1989-1991	70.86	BC-II	GENERAL	SHREE VISHWANATH SINGH	W/O SURESH KUMAR AT+PO-SOHANTHIVI JAMBHUA	PRIMARY TEACHER EDUCATION COLLEGE, CHIRI	
54148	MD SUJAY AHMAD	OP201007334	8-Jan-1970	2Yr Tr	1989-1991	70.86	GEN	GENERAL	MD SATTAR	VILL BANDI PO BANDI MANINARA PS NIMCHAK	SHRERGHATI	
54149	INDEBIEET KUMAR	OP2010399005	5-Aug-1970	2Yr Tr	1989-1991	70.86	BC-I	GENERAL	GUNDEO JAY	W/O JANKI NAGAR PS. JANKI NAGAR DIST. PURNIA	P.T.E.C. KRISHNANGANI (PURNIA)	
54150	NIRMAL PARSAD	OP2010077349	8-Jan-1962	2Yr Tr	1989-1991	70.8	GEN	GENERAL	LATE SURECHAND RIKHA PRASAD	W/O. NATHIA PO. MANHVA PUR PS. VIJA PUR DIST	PRIMARY TEACHER TRAINING DORANDA	
54151	ALAYATI KUMARI	OP201040896	10-Feb-1964	2Yr Tr	1989-1991	70.8	GEN	GENERAL	SHYAM BACHAN SHARMA	ALAYATI KUMARI C/O SHY BACHAN SHARMA VILL TINERI	P.T.E. COLL. MAHENDU PATNA	
54152	SUNITA KUMARI	OP2010114426	5-Jun-1966	2Yr Tr	1989-1991	70.8	GEN	GENERAL	HARI NANDAN SAHU	PO NIDOLI DIST PATNA, BIHAR PIN 804554	P.T.E. COLLEGE MADHEPURA	
54153	MD MASHKOOOR HUSSAIN	OP2010088876	15-Aug-1967	2Yr Tr	1989-1991	70.8	GEN	GENERAL	MD RAJPOUR ALAM	SUNITA KUMARI C/O-SHRI BIKHAR BIKHAR 843225	PRIMARY TEACHER TRAINING COLLEGE, SHRINAGAR	
54154	UNAMULA KUMARI	OP2010126703	3-Sep-1968	2Yr Tr	1989-1991	70.8	GEN	GENERAL	LATE NAGOMBI CHOUHARY	A. HAKKA PS-AMOUR DIST. PURNIA	MAHILA P.T.T. COLLEGE, PUSA (SAMASTPUR)	
54155	ELIZ AHMAD	OP2010124962	12-Feb-1969	2Yr Tr	1989-1991	70.8	GEN	GENERAL	MD. NOORUL HUSSAIN	W/O SURESH KUMAR AT+PO-SOHANTHIVI JAMBHUA	P.T.E. COLLEGE SHRINMATI GAYA	
54156	MD. ATYAR HUSSAIN	OP201000376	8-Mar-1971	2Yr Tr	1989-1991	70.8	GEN	GENERAL	RAM MERHA SINGH	MANHARI DIST. KATIHAH 854131	P.T.E. COLLEGE SASARAM	
54157	PUNAM KUMARI	OP201013832	1-Mar-1971	2Yr Tr	1989-1991	70.73	GEN	GENERAL	RAM MERHA SINGH	K. BANOLI PO BANOLI DIST. AURANGABAD BIHAR.	W.P.T.E. COLL. THAVE, GOPALGANI	
54158	PINKI KUMARI	OP2010408055	9-Nov-1965	2Yr Tr	1989-1991	70.73	GEN	GENERAL	SRI PASHUPATI NATH SRIVASTAVA	C/O VIJAY KUMAR VERMA AT+PO-BRINDAVAN VIA-	PRIMARY TEACHER EDUCATION COLLEGE SHEKHAR	
54159	MD. ANZAR ALAM	OP2010408602	2-Jan-1966	2Yr Tr	1989-1991	70.73	GEN	GENERAL	MD. QASIM ALAM	VILL-SISVA, P.O. BELTHA VIA-PANHAR, DIST-	MAHILA P.T.E. COLL. MADHUBANI	
54160	BIRENDA KUMAR	OP2010088761	5-Jan-1967	2Yr Tr	1989-1991	70.73	BC-II	GENERAL	KISHUN MAHATO	SIRAMARI(BIHAR) PIN-843372	PRIMARY TEACHER EDUCATION COLLEGE	
54161	ABHAY KUMAR SINGH	OP2010084817	1-Jun-1967	2Yr Tr	1989-1991	70.73	BC-II	GENERAL	AMBIYA PRASAD SINGH	VILL-GHURE PARSA, P.O. AVER, P.S. ATRI DIST-GAYA	MAHILA P.T.E. COLLEGE, DARBHANGA	

-20-

hearing benefit to please allow and
make the same absolute.

AND/OR

Passed such order/orders
as your lordship may deem
fit and proper case.

And for this act of kindness the petitioners shall ever pray.

16. That the name of the petitioner has been mentioned in the first merit/gradation list prepared by the Respondent Authorities as Sl. No. 54000 in the first merit list but the petitioner has not been appointed while the name of the petitioner was appearing in first merit/gradation list. On account of non appointment of the petitioner the reason has not been assigned by the Respondents concerned.

A photo copy / True type of the gradation / merit list is hereby annexed and marked as **Annexure - 5** in this writ application.

17. That there is no officious and alternate remedy to file this writ application for redress of her grievances before this Hon'ble court.

given to the petitioner for non-appointment of the petitioner on the post Primary Teacher.

A photo copy / True type copy of the Objection petition dated 24/01/2012 is hereby annexed and marked as *Annexure - 4* in this writ application.

12. That the petitioner has also filed several representation before the Respondent Authorities No. 2,3 and 5 and has made request for consider the objection petition dated 24/01/2012 but without consideration of the objection petition the Respondent concern did not taken any action in this regard.
13. That when the petitioner was not appointed she met with the authorities concerns with folded hand and

iv. For further prayer of the petitioner to pass any other relief/reliefs, order/orders, direction/directions as may deem fit and proper in the facts and circumstances of this case.

2. That the petitioner is a citizen of India and ordinary resident of District Madhepura within the Jurisdiction of this Hon'ble Court.

3. That the moot question of law besides others arises for consideration to this Hon'ble court are as follows :-

i. Whether the action of the respondents is not illegal mala-fide candidate for the Assistant Teacher as she has passed Teachers Training from Mahila Primary Teachers Training College, Madhepura in session 1989-1991 and the date of birth is 10/03/1973.

To,

The Hon'ble Ms. Justice Rekha M. Doshit, The Chief Justice of
The Hon'ble High Court of Judicature at Patna and her Hon'ble companion
justices of the said Hon'ble Court.

The Humble application on

Behalf of the above named

Petitioner.

MOST RESPECTFULLY SHEWETH:

1. That the petitioner of this case filed this writ application for
grant of following reliefs :-

- i. For Issuance of Writ/Writes, Order/Orders,
Direction/Directions in the nature of writ of
mandamus commanding the respondent authorities to
issue appointment letter in favour of petitioner for her