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1575712

IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION CASE)

C.W.J.C. NO. .... OF 2012.

Mr. Shakil Ahmad ..... Petitioner

**Versus**

The State Of Bihar and Others ..... Respondents.

**SYNOPSIS**

**RELIEFS:**

- (i) For quashing the order dated 03.02.2012 passed in Appeal NO.135 of 2011 by Member, District Teachers Appointment Appellate Authority, Madhepura by which the appeal preferred by the petitioner has been rejected.
- (ii) For commanding the respondents to consider the case of the petitioner for his appointment on the post of Zila Parishad—Secondary—Teacher—(Urdu) in light of Zila Parishad Secondary Senior Secondary Teacher (Appointment and Service Condition) Regulation - 2006.
- (iii) For holding that the impugned order dated 03.02.2012 passed by the District Teacher Appointment Appellate Authority, Madhepura as contained in Annexure-1 is arbitrary, illegal and based on wrong assumption of facts.

- (iv) For any other appropriate relief/reliefs as your Lordships may deem fit and proper.

**Annexure-1, Page-**

**FACTS:**

- 1984 Petitioner passed his Fauquania examination in the year 1984 conducted by the Bihar State Madarsa Education Board, Patna. Subsequently he passed 1986 Moulvi Examination in the year 1986 in 2<sup>nd</sup> Division. 1989 He passed Alim (Previous) examination in the year 1989. He passed Alim Hons. Examination in the year 1991 equivalent to B.A. Hons.

**Annexure- 2 Series, Page-**

- Para-7 An Advertisement was published for appointment of Urdu Teacher under the category of Untrained Teacher. Page-7
- Para-8 petitioner applied for his appointment on the post of Urdu Teacher. Page-7
- 12.10.2007 Petitioner appeared for counselling in the office of District Education Officer, Madhepura on 12.10.2007 and the petitioner was at the top out of the four persons.

**Annexure-3, Page-**

- 16.10.2007 A Merit list was prepared by the District Education Officer-Cum- Member Secretary, Panel Nirman Samiti, Madhepura and the petitioner has been included at Sl. No. 1 in the aforesaid merit list.

**Annexure-4, Page-**

Para-12      Petitioner filed C.W.J.C. No. 4639 of 2008 for a  
Page-9      direction to the respondents to fill up the vacant post  
of Urdu Teacher on the post of High School Teacher  
under Zila Parishad Madhepura.

11.07.2011      The aforesaid writ application was heard by Hon'ble  
Mr. Justice Jayanandan Singh on 11.07.2011. After  
hearing the parties His Lordships has been pleased to  
dispose of the aforesaid writ application giving liberty  
to the petitioner to move the appellate authority for  
ventilating his grievances vide order dated  
11.07.2011.

**Annexure-5, Page-**

02.08.2011      Petitioner filed an application on 02.08.2011 before  
District Teacher Appointment Appellate Authority,  
Madhepura, enclosing a copy of the order of Hon'ble  
Court and other relevant documents.

**Annexure-6, Page-**

Para-15      The aforesaid application was registered as Appeal No.  
Page-11      133/11 by the District Teacher Appointment Appellate  
Authority, Madhepura.

11.01.2012      A report was submitted by the District Programme  
Officer (Establishment) Madhepura, vide his letter  
no. 28 dated 11.01.2012 before the District Teacher  
Appointment Appellate Authority, Madhepura  
enclosing the final proceeding of Panel Nirman Samit  
and a copy of final merit list of candidate for Urdu  
Teacher (Untrained).

**Annexure-7, Page-**

03.02.2012 District Teacher Appointment Appellate Authority,  
Madhepura, has rejected the appeal no. 133/11  
preferred by the petitioner vide order dated  
03.02.2012.

**Annexure-1, Page-**

**SUBMISSIONS.**

IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION CASE)

C.W.J.C. NO. .... OF 2012.

Md. Shakil Ahmad ..... Petitioner

**Versus**

The State Of Bihar and Others ..... Respondents.

SUB.: Selection (Panchayat Teacher) / school service

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08. **ANNEXURE - 7** : A copy of the Letter No. 28 dated 11.01.2012 issued under the signature of District Programme Officer (Establishment), Madhepura. 29- 33
09. **V A K A L A T N A M A .**

COMPTREE  
AUTH NO. 3183 DT. 16/12/2008  
INDIA  
372401  
BIHAR  
0000285  
1798 341  
Zero Zero Zero Zero Two Eight Five

Through  
Shantipratap  
Advocate  
for the Petitioner  
Acr No. 02680

IN THE HIGH COURT OF JUDICATURE AT PATNA  
(CIVIL WRIT JURISDICTION)

C. W. J. C. NO. ... OF 2012

In the matter of an application  
Under Article 226 of the  
Constitution of India

A N D

In the matter of

Md, Shakil Ahmad, Son of Hanif Sani, Resident of Village -  
Kahmatganj, P.S. Srinagar, District - Madhepura.

..... Petitioner

**Versus**

1. The State Of Bihar

2. The Principal Secretary, Human Resources Development  
Department, Government of Bihar, Patna
3. The District Magistrate, Madhepura.
4. The District Education Officer, Madhepura.
5. The Sub Divisional Officer, Madhepura.
6. The District Teachers Appointment Appellate Authority,  
Madhepura through its Member.

..... Respondents.

To,

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

The humble petition on  
behalf of the petitioner  
above named ;

**MOST RESPECTFULLY SHEWETH :**

1. That this writ application has been filed for quashing the  
order dated 03.02.2012 passed in Appeal NO.133 of 2011



by Member, District Teachers Appointment Appellate Authority, Madhepura by which the appeal preferred by the petitioner has been rejected.

This application is also being filed for commanding the respondents to consider the case of the petitioner for his appointment on the post of Zila Parishad Secondary Teacher (Urdu) in light of Zila Parishad Secondary Senior Secondary Teacher (Appointment and Service Condition) Regulation - 2006.

This application is also being filed for holding that the impugned order dated 03.02.2012 passed by the District Teacher Appointment Appellate Authority, Madhepura as contained in Annexure-1 is arbitrary, illegal and based on wrong assumption of facts.

A copy of the order dated 03.02.2012 passed in Appeal No. 133 of 2011 by Member, District Teacher Appointment Appellate Authority, Madhepura, is annexed herewith and marked as

Annexure-1 to this writ application.

2. That the petitioner prays for the following **RELIEFS:**

- (i) For quashing the order dated 03.02.2012 passed in Appeal NO.133 of 2011 by Member, District Teachers Appointment Appellate Authority, Madhepura by which the appeal preferred by the petitioner has been rejected.
- (ii) For commanding the respondents to consider the case of the petitioner for his appointment on the post of Zila Parishad Secondary Teacher (Urdu) in light of Zila Parishad Secondary Senior Secondary Teacher (Appointment and Service Condition) Regulation - 2006.
- (iii) For holding that the impugned order dated 03.02.2012 passed by the District Teacher Appointment Appellate Authority, Madhepura as contained in Annexure-1 is arbitrary, illegal and based on wrong assumption of facts.

(iv) For any other appropriate relief/reliefs as your Lordships may deem fit and proper.

3. That the following questions of law are involved in this writ application :-

- (i) Whether the impugned order passed by the District Teacher Appointment Appellate Authority, Madhepura, as contained in Annexure-1 is legal, just and proper ?
- (ii) Whether the impugned order passed by the District Teacher Appointment Appellate Authority, Madhepura, after going through the materials available on record and applying his judicious mind ?
- (iii) Whether, the impugned order is passed on non-existent ground ?
- (iv) Whether, the appellate authority has considered the facts and circumstances of the case of the petitioner ?
- (v) Whether the impugned order is otherwise bad in law, wrong on facts?

4. That the petitioner is a Citizen of India and he is residing within the territorial jurisdiction of this Hon'ble Court.
5. That ~~the~~ petitioner belongs to EBC category .
6. That, the petitioner passed his Fauquania examination in the year 1984 conducted by the Bihar State Madarsa Education Board, Patna, equivalent to Matriculation examination in First Division. Subsequently he passed Moulvi Examination in the year 1986 in 2<sup>nd</sup> Division equivalent to I. A. examination. Thereafter he passed Alim (Previous) examination in the year 1989 equivalent to B.A. pass. Thereafter he passed Alim Hons. Examination in the year 1991 equivalent to B.A. Hons.

A copy of the ~~Marks Sheet of Fauquania, Moulvi, Alim Previous and Alim Hons. Examination and Provisional Certificate dated 16.11.1987 of Fauquania examination and Alim Hons. In Urdu~~

and certificate dated 16.11.87 of moula  
dated 17.10.1995<sup>^</sup> are

annexed herewith and  
marked as Annexure-2  
Series to this writ  
application.

7. That, an Advertisement was published for appointment of Urdu Teacher under the category of Untrained Teacher as per Bihar Zila Parishad Secondary and Senior Secondary Teachers (Appointment and Service Condition) Regulation-2006.
8. That, in response to the aforesaid advertisement the petitioner applied for his appointment on the post of Urdu Teacher in Zila Parishad, Madhepura under the category of Untrained Urdu Teacher.
9. That, thereafter the petitioner was called for counselling vide notice dated 5.10.2007 issued under the signature of District Education Officer, Madhepura. Accordingly he appeared for counselling in the office of District Education Officer, Madhepura on 12.10.2007.

A copy of the notice dated 05.10.2007 issued under the signature of District Education Officer, Madhepura, is annexed herewith and marked as Annexure-3 to this writ application.

10. That, pursuant to the aforesaid notice, the petitioner appeared before the District Education Officer, Madhepura, on 12.10.2007. It is stated that altogether 4 persons appeared for counselling on 12.10.2007 and among them the petitioner was at the top out of the four persons.
11. That, thereafter a Merit list was prepared on 16.10.2007 by the District Education Officer-Cum- Member Secretary, Panel Nirman Samiti , Madhepura. The petitioner has been included at Sl. No. 1 in the aforesaid merit list prepared for Urdu untrained Teacher.

A copy of the Merit List dated 16.10.2007 issued under the signature of District Education Officer- Cum - Member Secretary, Panel Nirman Samiti, Madhepura, is annexed herewith and marked as Annexure-4 to this writ application.

2. That, it is stated that when appointment of the petitioner was not made by the authorities concerned, then the petitioner was compelled to move before this Hon'ble Court in C.W.J.C. No. 4639 of 2008 for a direction to the respondents to fill up the vacant post of Urdu Teacher on the post of High School Teacher under Zila Parishad Madhepura. The petitioner has also prayed for a direction to the respondent authority to consider the case of the petitioner for his appointment on the post of Urdu Teacher in High School under Zila Parishad, Madhepura.

13. That, the aforesaid writ application was heard by Hon'ble Mr. Justice Jayanandan Singh on 11.07.2011. After hearing the parties, His Lordships has been pleased to dispose of the aforesaid writ application giving liberty to the petitioner to move the appellate authority for ventilating his grievances vide order dated 11.07.2011.

Copy of the order dated 11.07.2011 passed in C.W.J.C. No. 4639 of 2008 by Hon'ble Mr. Justice Jayanandan Singh is annexed herewith and marked as Annexure- 5 to this writ application.

14. That, thereafter in compliance to the direction of this Hon'ble Court passed in the aforesaid writ application. The Petitioner filed an application on 02.08.2011 before District Teacher Appointment Appellate Authority, Madhepura, enclosing a copy of the order of this Hon'ble Court and other relevant documents. The petitioner has



pointed out that he was included in merit list at serial no. 1 which was prepared after counselling held on 12.10.2007. But unfortunately his appointment could not be made and the post of Urdu Teacher is still vacant.

A copy of application dated 02.08.2011 filed by the petitioner before District Teacher Appointment Appellate Authority, Madhepura, is annexed herewith and marked as Annexure-6 to this writ application.

15. That, thereafter the aforesaid application was registered as Appeal No. 133/11 by the District Teacher Appointment Appellate Authority, Madhepura. Thereafter the authority issued a notice to Zila Parishad Appointment Unit, Madhepura and directed to produce report relating to appointment of Urdu Teacher in High School under Zila Parishad, Madhepura.

16 That, a report was submitted by the District Programme Officer (Establishment) Madhepura, vide his letter no. 28 dated 11.01.2012 before the District Teacher Appointment Appellate Authority, Madhepura enclosing the final proceeding of Panel Nirman Samite<sup>ts</sup> and a copy of final merit list of candidate for Urdu Teacher (Untrained). It has been mentioned in the report that it was decided in the last meeting of Panel Nirman Samite<sup>ts</sup> that after obtaining objection on the provisional panel merit list may be placed for approval in next meeting of the committee. But next meeting could not be held and panel could not be approved, hence process of appointment could not be ~~attend~~<sup>attained</sup> finality. It has also been mentioned that the petitioner Md. Shakil Ahmad could not be appointed in spite of his placement at Sl. No. 1 in the panel and that post was remain<sup>ed</sup> vacant and that post was included in the backlog of second phase teacher appointment 2008.

A copy of the Letter No. 28

dated 11.01.2012 issued

under the signature of  
District Programme Officer  
(Establishment), Madhepura,  
is annexed herewith and  
marked as Annexure-7 to  
this writ application.

17. That, it is stated that on the basis of the aforesaid report dated 11.01.2012, the District Teacher Appointment Appellate Authority, Madhepura, has rejected the appeal no. 133/11 preferred by the petitioner vide order dated 03.02.2012. A copy of the order dated 03.02.2012 passed in Appeal No. 133/11 by Member District Teacher Appointment Appellate Authority, Madhepura, has already been contained in Annexure-1 to this writ application.

18. That, it is stated that the appellate authority Madhepura, without going through the materials available on record and without considering the facts and circumstances of the case of the petitioner, rejected the appeal in a mechanical manner.

19. That, the impugned order dated 03.02.2012 as contained in Annexure-1 has been passed by the District Teacher Appointment Appellate authority , Madhepura without applying its mind judiciously
20. That, it is stated that the post which was earmarked for appointment as per the Regulation 2006 and that can not be included in backlog of second phase Teachers Appointment 2008.
21. That, it is further stated that the petitioner was included in the merit list at Sl. No. 1 but that merit list could not be approved by the Panel Nirman Samita and due to that he could not be appointed on the post of Urdu Teacher Untrained in the High School under Zila Parishad , Madhepura. Under the circumstances the petitioner can not be allowed to suffer due to lapses and negligence on the part of the respondent authority. This fact has not been considered by the District Teacher Appointment Appellate Authority, Madhepura, while passing the impugned order dated 03.02.2012

22. That, under the circumstances as stated above the impugned order is not sustainable in the eye of law and is fit to be set aside.
23. That, the impugned order dated 03.,02.2012 is based on wrong assumption of facts and non-existent ground.
24. That the petitioner has been subjected to hostile discrimination in violation of Articles 14 and 16 of the Constitution of India in as much as several similarly situated persons like the petitioner who have appeared in counselling in other subject have been appointed whereas the petitioner has been denied the same inspite of the fact that his name was included at Sl. No. 1 in the merit list.
25. That the respondents have tried to do a thing indirectly what they could not do directly.
26. That the petitioner will suffer irreparable loss and injury if the impugned order dated 03.02.2012 as contained in Annexure-1 is not quashed and further the petitioner is not considered for appointment on the post of Urdu Teacher in High School under Zila Parishad, Madhepura

as per Bihar Zila Parishad Secondary and Senior Secondary Teacher (Appointment and Service Condition) Regulation - 2006.

27. That it is just and expedient in the interest of justice, fair play in action and equity that this Hon'ble Court may intervene in this matter and quash the impugned order dated 03.02.2012 as contained in Annexure-1 and further command the respondents to consider the case of the petitioner for his appointment on the post of Urdu Teacher (Untrained) in High School under Zila Parishad, Madhepura, as per Regulation 2006.

28. That the petitioner has no other alternative and efficacious remedy than to move before this Hon'ble Court.

29. That the petitioner has not moved earlier before this Hon'ble Court save and except C.W.J.C. No. 4639 of 2008 disposed off on 11.07.2011.

It is, therefore, prayed that your Lordships may graciously be pleased to admit this application, issue notices to the respondents as to why the impugned

order dated 03.02.2012 passed in Appeal No. 133/11 by the Member District Teacher Appointment Appellate Authority, Madhepura; as contained in Annexure-1 be not set-a-side and after hearing the party/parties be further pleased to set aside the impugned order dated 03.02.2012 as contained in Annexure-1 and further allow all the relief/reliefs as claimed in Para-2 of this writ application.

A N D

During the pendency of the writ application, stay the operation of the order dated 03.02.2012 as contained in Annexure-1.

AND / OR

Pass such other order/orders as your Lordships may deem fit and proper.

And for this, the petitioner shall ever pray.

18

**AFFIDAVIT**

Md, Shakil Ahmad, Aged about 41 Years, Son of Hanif Sani, Resident of Village - Rahmatganj, P.S. Srinagar, District - Madhepura, do hereby solemnly affirm and declare as follows :

1. That I am sole petitioner in this case and as such I am well acquainted with the facts and circumstances of the case.
2. That the contents of this petition have been read over and explained to me in Hindi which I understood the same.
3. That the statements made in para 4 to 19, 21, 28 and 29 ..... are true to my knowledge and those made in para..... are true to my informations derived from the sources disclosed therein and rest are by way of submissions to this Hon'ble Court.
4. That the annexures are photo/true copies of its respective originals.

Md. Shakil Ahmad,



Annexure 1 19

अपील संख्या-133/11  
न्यायालय

जिला शिक्षक नियोजन अपीलीक प्राधिकार मधेपुरा

अपील न.-133/2011

02-08-2011 आवेदक, मो. शकील अहमद द्वारा मागनीय उच्च न्यायालय के आदेशानुसार वर्ष 2006 के जिला परिषद माध्यमिक शिक्षक नियोजन से संबंधित अपील दायर किया है। इसे पूंजी बद्र करें। जिला परिषद नियोजन इकाई मधेपुरा को नोटस निर्गत कर जवाब एवं प्रनिवेदन की मांग करें। दिनांक- 03-09-11 को उपस्थापित करें।

ह 0/- अस्पष्ट

03-09-2011 अभिलेख सुनवाई हेतु उपस्थापित किया गया। जिला शिक्षा पदाधिकारी मधेपुरा के द्वारा प्रतिवेदन अप्राप्त है। स्मार दें। अभिलेख को दिनांक-27-09-2011 को उपस्थापित करें।

ह 0/- अस्पष्ट

27-10-2011 अभिलेख उपस्थापित किया गया। जिला शिक्षा पदाधिकारी मधेपुरा के द्वारा प्रतिवेदन अप्राप्त है। प्रतिवेदन की प्रत्याशा में दिनांक- 27-10-2011 को रखें।

ह 0/- अस्पष्ट

27-10-2011 अभिलेख उपस्थापित किया गया। जिला शिक्षा पदाधिकारी मधेपुरा की ओर से प्रतिवेदन अप्राप्त है। उन्हें स्मार दें दिनांक- 15-11-2011 को रखें।

ह 0/- अस्पष्ट

15-11-2011 अभिलेख उपस्थापित किया गया। जिला शिक्षा पदाधिकारी से प्रतिवेदन अप्राप्त है। प्रतिवेदना हेतु जिला कार्यक्रम पदाधिकारी को लिखें। दिनांक- 10-12-2011 को उपस्थापित करें।

ह 0/- अस्पष्ट

अपील संख्या-133/11

10-12-2011 अभिलेख उपस्थापित किया गया । जिला कार्यक्रम पदाधिकारी मधेपुरा (स्थापना) से प्रतिवेदन अप्राप्त है । प्रतिवेदन की प्रत्याशा में दिनांक- 27-12-2011 को उपस्थापित करें ।

ह 0/- अस्पष्ट

27-12-2011 अभिलेख उपस्थापित किया गया । जिला कार्यक्रम पदाधिकारी स्थापना मधेपुरा से अभिलेख अप्राप्त हैं अभिलेख की प्रत्याशा में दिनांक- 11-01-2012 को रखें ।

ह 0/- अस्पष्ट

11-01-2011 अभिलेख उपस्थापित किया गया । जिला कार्यक्रम पदाधिकारी द्वारा प्रतिवेदन दाखिल नहीं किये है उन्हें स्मर दें । दिनांक- 31-01-2012 को उपस्थापित करें ।

ह 0/- अस्पष्ट

31-01-2012 अभिलेख उपस्थापित किया गया । वादी की ओर से वकालत नामा के साथ हाजरी दी गई है और एक समय का आवेदन दिया गया है । जिला कार्यक्रम पदाधिकारी स्थापना मधेपुरा ने अपना प्रतिवेदन अपने पत्रांक -28 (उच्च) दिनांक- 11-01-2012 के द्वारा दाखिल किया है । इसे अभिलेख के साथ रखें । अभिलेख को बहस हेतु दिनांक- 03-02-2012 को उपस्थापित करें ।

ह 0/- अस्पष्ट

03-02-2012 अभिलेख उपस्थापित किया गया । वादी की ओर से एक साथ का आवेदन दिया गया है । जिसे खारिज किया जाता है । इस केश में जिला कार्यक्रम पदाधिकारी स्थापना द्वारा प्रतिवेदन दिया है कि आवेदक का नाम औपबंधिक सूची में क्रमांक- 01 पर नाम अंकित था ।

ह 0/- अस्पष्ट

2)

अपील संख्या-133/11

03-02-2012 परन्तु पैनल निर्माण समिति की अगली बैठक नहीं हुई और पैनल का अनुमोदन नहीं हो सका । अतः

नियोजन का कार्य अधुरा रह गया । उनका यह भी प्रतिवेदन है कि जिस पद पर वादी ने दावा किया

है वह पद द्वितीय शिक्षक नियोजन वर्ष 08 के वैकलांग में सम्मिलित किया गया जा चुका है ।

जब यह पद 2006 के नियोजन में रिक्त नहीं है ।

अतः वादी का अपील उपरोक्त परिस्थिति में चलने योग्य नहीं है । अतः खारिज किया जाता है ।

ह0/- असष्ट

Bihar State Madrasa Education Board  
PATNA  
(EXAMINATION DEPARTMENT)

No. 3959



PATNA THE 16/11/87

Provisional Certificate

This is to Certify that MD. Shakil Ahmad  
son/daughtec of MD. Hamif Sani bearing Roll No. BF-135  
born on 07-02-1977 duly passed the Wasania/Fauqania Examination of  
the Bihar State Madrasa Education Board, Patna held in 1984  
and was placed in the First Division.

No. 16/11  
Issuing Clerk

Controller of Examination

Secretary

Annexure. 2 - 5

22

copy copy

Bihar State Madrasa Education Board

P A T N A

( EXAMINATION DEPARTMENT )

No. 3950

PATNA THE 16/11/87.

Provisional Certificate

This is to certify that MD. Shakil Ahmad  
Son/ daughter of MD. Hanif Sanni bearing Roll No. BF- 135  
Born on 07.02.1971 duly passed the Wastania / Fauqania  
Examination of the Bihar State Madrasa Education Board, Patna  
held in 1984 and was placed in the First Division / Class.

Sd/- Illegible

Issuing Clerk

Sd/- Illegible

Controller of Examination

Secretary



Amirul 2023  
Tape copy

# Bihar State Madrasa Education Board

P A T N A

( EXAMINATION DEPARTMENT )

No. 23164

PATNA THE 17/10/95.

## Provisional Certificate

This is to certify that MD. Shakil Ahmad  
Son/ daughter of MD. Hanif Sanni bearing Roll No. PUR- 19  
Duly passed the MOULVI/ ALIM Hons in Urdu/ FAZIL IN  
Examination of the Bihar State Madrasa Education Board, Patna  
held in 1989 and was placed in the First Division / Class.

Sd/- Illegible

Issuing Clerk

Sd/- Illegible

Controller of Examination

Secretary





Annexure 2-8-83

24

-3/1/87

# Bihar State Madrasa Education Board

P A T N A

( EXAMINATION DEPARTMENT )

No. 5526

PATNA THE 16/11/87.

## Provisional Certificate

This is to certify that MD. Shakil Ahmad  
Son/ daughter of MD. Hanif Sanni bearing Roll No. PUR- 129  
Duly passed the MOULVI/ ALIM/ FAZIL IN Examination of the  
Bihar State Madrasa Education Board, Patna held in 1986 and  
was placed in the Second Division / Class.

Sd/- Illegible

Issuing Clerk

Controller of Examination

Sd/- Illegible

Secretary

Annexure 3

25

जिला परिषद माध्यमिक शिक्षक के नियोजन हेतु जिन प्रशिक्षित एवं अप्रशिक्षित अभ्यर्थियों ने जिला परिषद कार्यालय, मधेपुरा में आवेदन किये है, को सूचित किया जाता है कि अनुमोदित पैल से नियोजन के पश्चात् कुछ पद रिक्त रह जाता है, जिन पदों पर नियोजन हेतु अभ्यर्थियों को दिनांक 12.10.2007 को शैक्षणिक एवं प्रशैक्षणिक प्रमाण पत्र ( मूल एवं अभिप्रमाणित प्रति के साथ ) सत्यापन हेतु अद्योहरताक्षरी के कार्यालय में उपस्थित होने ताकि शेष पदों पर नियोजन हेतु पैलत निर्माण किया जा सके । उक्त तिथि को जो अभ्यर्थी उपस्थित नहीं होंगे, उनका दावा स्वतः समाप्त समझा जायेगा । प्रमाण पत्र सत्यापन में विषयवार एवं कोटिवार अभ्यर्थी निम्नरूपेण उपस्थित होंगे ।

प्रशिक्षित कोटि

अप्रशिक्षित कोटि

क्र०	विषय	सामान्य वर्ग	पिछड़ा वर्ग	अनु० जाति	अनु० जन्मजाति	आरक्षित महिला	विकलांग	सामान्य वर्ग	पिछड़ा वर्ग	अनु० जाति	अनु० जन्मजाति	आरक्षित महिला	विकलांग
1	शारीरिक शिक्षा			सभी	सभी								
2	सामाजिक शिक्षा			45%									
3	उर्दू	सभी	सभी					60%	55%	60%			
4	अंग्रेजी												

ह० अरुणरु

05-10-2007

जिला शिक्षा पदाधिकारी

मधेपुरा

Annexure 4

26

बिहार जिला परिषद् माध्यमिक एवं उच्चतर माध्यमिक शिक्षक (नियोजन एवं सेवा शर्त) नियमावली-२००६ के आलोक में प्राशिक्षित / अप्राशिक्षित अभ्याथियों से प्राप्त आवेदन पत्र के आधार पर मेधा क्रमानुसार जिला परिषद् माध्यमिक शिक्षक पद पर नियोजन हेतु प्राशिक्षित / अप्राशिक्षित अभ्याथियों का पैनल विषय - उर्दू

1	2	3	4	5	6	7	8	9	10	11	12	13
1.	7102	मो० शकील अहमद	मो० हनीफ सान्नी	7.2.71	778/12		793/14		66.22		EBC	
2.	1061	मो० शाकीर हुसैन	मो० जाकिर हुसैन	2.5.79	744/12		1366/22		65.14		EBC	
3.	100	मो०परवेज आत्म	अब्दुल कयाम	15.1.70	727/12		1392/22		63.81		GEN	
4.	2508	एहतेशाम	मो० गरबुल हुसैन	10.11.71	506/9		878/15		62.13		GEN	
5.												
6.												
7.												

नोट :- (१) अक्षरिणिक / प्रशैक्षणििक प्रमाण पत्र जाली या गलत पाये जाने की स्थिति में पैनल से नाम अथवा नियोजन रद्द कर दिया जाएगा और कानूनी कार्रवाई की जायेगी ।

(२) पैनल पर आपत्ति दिनांक २४.१०.२००७ तक दिया जा सकता है ।

डॉ०/- अरुणदेव

16-10-2007

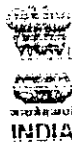
जिला शिक्षा पर्यायोजनाधिकारी

सदरपत्र साँझा

पैनल निर्माण संदिग्ध

मधेपुरा

BIHAR CIRCULE  
MADHEPURA  
AUTHORISED SIGNATURE PRADH 23/07/2011



INDIA  
2011  
BIHAR  
2011

1536 12155

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL WRIT JURISDICTION CASE No.4639 of 2008

MD.SHAKIL AHMAD, S/O HANIF SANI, R/O  
VILLAGE-RAHMATGANJ, P.S.-SHRINAGAR,  
DISTRICT-MADHEPURA.

Petitioner/s

Verus

1. THE STATE OF BIHAR.
2. THE SECRETARY, HUMAN RESOURCES DEVELOPMENT DEPARTMENT, GOVERNMENT OF BIHAR.
3. THE DISTRICT MAGISTRATE, MADHEPURA.
4. THE DISTRICT EDUCATION OFFICER, MADHEPURA.
5. THE SUB-DIVISIONAL OFFICER, MADHEPURA.

Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kr. Jha 2  
Mr. Krishna Chandra Jha

For the Respondent/s : Mr. (Ga6)

2 11-07-2011

Petitioner is aggrieved by non-consideration of his case for appointment as Nagar Panchayat Teacher in the High School.

Petitioner has an alternative remedy before the statutory Appellate Authority constituted under the Rules.

In the circumstances, the writ application is disposed of with liberty to the petitioner to move the Appellate Authority for ventilating his grievances.

S/11-

(Jayanandan Singh, J)

Arvind

Rajesh Kumar  
22/07/2011  
34/0/9633

DECLINED TO BE TRUE PHOTO 2011  
Ramesh Kumar  
For Joint Registrar (J)  
Patna High Court 22-7-11

अपील नं - 133/2011

28

08/09

Annexure - 6

सेवा में,

नियोजन अपीलीय प्राधिकार,

मधेपुरा।

विषय :- माननीय उच्च न्यायालय, पटना के रीट याचिका संख्या- 4639/08 में  
दिनांक 11.07.11 को दिये गये निर्णय के कार्यान्वयन के संबंध में।

महाशय,

उपरोक्त विषय पर सूचित करना है कि मैंने जिला परिषद् मधेपुरा में वर्ष 06 में नियोजन हेतु आवेदन किया था काउंसिलिंग में दिनांक 12.10.07 को भाग भी लिया था। नियोजन हेतु जो सूची प्रकाशित किया गया उसमें मेरा क्रमांक 01 था। परन्तु मेरा नियोजन उक्त सूची के अनुसार नहीं किया गया तथा वह पद आजतक रिक्त है।

मैंने इसके लिये संबंधित अधिकारी से मिलकर अपना अभ्यावेदन भी दिया, परन्तु मेरे अभ्यावेदन पर विचार नहीं किया गया।

अन्त में मैंने माननीय उच्च न्यायालय में अपना दावा प्रस्तुत किया। जिसका केस संख्या- C.W.J.C. - 4639/08 है। रीट की छायाप्रति संलग्न है।

माननीय उच्च न्यायालय ने अपने दिनांक 11.07.11 के फैसले में मुझे भवदीय सेवा में उपस्थित होकर अपना पक्ष रखने हेतु कहा गया है। (छायाप्रति संलग्न)

ज्ञातव्य हो कि उक्त फैसले में एनेक्चर 1 एवं 2 का पद स्वीकृत था जो आजतक रिक्त है। परन्तु मेरी नियुक्ति नहीं की जा सकी है।

अतः अनुरोध है कि कृपया अपने स्तर से इस पर न्याय कर मुझे उक्त तिथि से ही नियोजन करने हेतु जिला परिषद् मधेपुरा को आदेश देने की कृपा की जाय।

अनुलग्नक :

1. रीट की छाया प्रति
2. उच्च न्यायालय के निर्णय की छाया प्रति
3. सेवा सूची की छाया प्रति
4. फैसले की छाया प्रति

विश्वासभाजन

मौ० शकील अहमद

(मो० शकील अहमद)

पिता - मो० हनीफ सानी

ग्राम- रहमतगंज, पो०- मंगरवारा

थाना- श्रीनगर, जिला - मधेपुरा

22-08-2011

कार्यालय: जिला शिक्षा पदाधिकारी, मधेपुरा

स्थापना- शाखा

प्रेषण :

पत्रांक-28(उच्च)

जिला कार्यक्रम पदाधिकारी,

(स्थापना) मधेपुरा ।

सेवा में,

मधेपुरा दिनांक : 11-01-2012

सर,

जिला शिक्षा अधिकारी

कार्यक्रम पदाधिकारी, मधेपुरा

विषय- अर्थात् संख्या 133/2011 के संबंध में प्रतिवेदन के संबंध में

महाशय,

उपर्युक्त विषयक भवदीय पत्रांक- 581, दिनांक- 26-11-2011 के द्वारा वर्ष 2006 में जिला परिषद मधेपुरा शिक्षक नियोजन से संबंधित प्रतिवेदन की मांग की गई, जिसके आलोक में निम्नलिखित अशिलेखों की छाया प्रति संलग्न की जा रही हैं-

- (1) पैनल निर्माण समिति की कार्यवाही पंजा की अंतिम कार्यवाही की छाया प्रति
- (2) ड्रट्ट शिक्षक अभ्यर्थियों (अप्रशिक्षित) की अंतिम मेधासूची की छाया प्रति

चूंकि पैनल निर्माण समिति की अंतिम बैठक में निर्णय लिया गया कि औपचारिक पैनल पर प्राप्त आपत्ति के उपरोक्त अंतिम मेधा सूची को अनुमोदनार्थ अगली बैठक में प्रस्तुत किया जाय । परन्तु पैनल निर्माण समिति की अगली बैठक में नहीं हुई और पैनल का अनुमोदन नहीं हो सका । फलतः नियोजन का कार्य अधुरा रह गया ।

अतः आवेदक मो. शकील अहमद का नाम पैनल के क्रमांक-01 पर रह गया और द्वितीय चरण शिक्षक नियोजन नहीं हो सका और यह पद रिक्त रह गया और द्वितीय चरण शिक्षक नियोजन -2008 के बैंक लॉग में सामंजस्य किया गया है ।

विश्वासभाजन

ह0/- अस्पष्ट

जिला कार्यक्रम पदाधिकारी (स्थापना) मधेपुरा

बिहार के राजस्व माध्यमिक एवं उच्चतर माध्यमिक शिक्षक (नियोजन एवं शैव वर्गी) नियमसूचकी-२००६ के आलोक में प्रवर्धित / अप्रवर्धित अभ्याथियों से प्राप्त आवेदन पत्र के आधार पर मोटा क्रमानुसार जिला पर्यटन माध्यमिक शिक्षक पद पर नियोजन हेतु उर्वरित / अप्रवर्धित अभ्याथियों का चैनल

1	2	3	4	5	6	7	8	9	10	11	12	13
1.	1102	श्री० शकील अहमद	श्री० रानीफ़ साभी	7.2.71	778/12	715/12	1304/22	66.22			EBC	
2.	1061	श्री० शशीर हुसैन	श्री० नाफ़िर हुसैन	2.5.79	744/12	676/12	1366/22	65.14			EBC	
3.	100	श्री० परवेज आलम	अब्दुल कयम	15.1.70	727/12	631/12	1392/22	63.81			GEN	
4.	2508	एहतेशाम	श्री० गरीबुल हुसैन	10.11.71	506/9	570/9	878/15	62.13			GEN	
5.												
6.												
7.												

नोट :- (१) शैक्षणिक / प्रशिक्षणिक प्रमाण पत्र जारी या गलत पाये जाने की स्थिति में प्रमाण पत्र नाम अथवा नियोजन रद्द कर दिया जाएगा और कानूनी कार्रवाई की जायेगी ।

(२) यह चैनल एक वर्ष तक प्रभावी रहेगा ।

(३) आरक्षण रोमटर के अनुसार नियोजन किया जायेगा ।

जिला शिक्षा पर्यायकारी	जिला परिषद शिक्षा	जिला कल्याण पदा	उप-विकास आयुक्त	अध्यक्ष
सदस्य सचिव	समिति का सदस्य	मधेपुरा	सदस्य चैनल निर्माण	जिला परिषद
चैनल निर्माण समिति	सदस्य चैनल निर्माण समिति	समिति	अध्यक्ष चैनल निर्माण समिति	
मधेपुरा	मधेपुरा	मधेपुरा	मधेपुरा	मधेपुरा

दिनांक 25-10-2007 को अध्यक्ष जिला परिषद मधेपुरा की अध्यक्षता में आयोजित पंचल निर्माण समिति की बैठक की उपस्थिति

1. अध्यक्ष  
जिला परिषद मधेपुरा
2. मुख्य कार्यपालक पदाधिकारी  
जिला परिषद मधेपुरा
3. जिला शिक्षा पदाधिकारी  
सह सचिव मधेपुरा
4. जिला कल्याण पदाधिकारी  
मधेपुरा
5. श्री राम कुमार यादव  
जिला परिषद सदस्य  
मधेपुरा



कार्यवाही.

श्रीमती कुमारी नीतू सिंह - अध्यक्षता जिला परिषद मधेपुरा की अध्यक्षता में

दिनांक- 25-10-2007 को आयोजित पैनल निर्माण समिति की बैठक की कार्यवाही ।

सर्वप्रथम पूर्व के विगत बैठक में लिए गये निर्णय से सम्पुष्ट किया गया तत्पश्चात जिला शिक्षा पदाधिकारी द्वारा समिति को अवगत कराया गया कि निर्गत सूचना के आलोक में शेष रिक्त पर नियोजन हेतु प्रमाण पत्र सत्यापन में विषयवार निम्न रूपेण आवेदक उपस्थित हुए ।

क्रमांक-विषय	उपस्थित आवेदक की संख्या
1. समाजिक विज्ञान -	04 (चार)
2. अंग्रेजी -	01 (एक)
3. शारीरिक शिक्षा -	03 (तीन)
4. उर्दू -	04 (चार)

औपबंधिक मेधा सूची का प्रकाशन, दिनांक- 16-10-2007 को किया गया और आपत्ति दिनांक- 24-10-2007 तक आमंत्रित किया गया । प्राप्त आपत्ति का निराकरण करते हुए सर्व सम्मति से पैनल का अनुमोदन किया गया । अनुमोदित पैनल में विषयवार अभ्याथियों की संख्या निम्न रूपेण है

1. समाजिक विज्ञान -	4 (चार)
2. अंग्रेजी -	1 (एक)
3. शारीरिक शिक्षा -	3 (तीन)

सर्व सम्मति से निर्णय लिया गया कि उर्दू विषय में आज तक प्राप्त आपत्ति पर कार्यवाही करने के बाद पैनल का निर्माण किया जाय और अगले बैठक में अनुमोहनार्थ उपस्थित

किया जाय।

अध्यक्ष द्वारा धन्यवाद ज्ञापन के बाद बैठक की कार्यवाही समाप्त की गई।

जिला शिक्षा पदाधिकारी

मधेपुरा

जिला कल्याण पदाधिकारी

मधेपुरा

सदस्य

जिला परिषद् मधेपुरा

अध्यक्ष

जिला परिषद् मधेपुरा