

C.P. 16
9/5/13

BY THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

C.W.J.C.NO.-----OF 2013.

Suresh Kumar Singh-----Petitioner

VERSUS

The State of Bihar and others-----Respondents

re: Selection (School/Service)

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IN THE HIGH COURT OF JUDICATURE AT PATNA.

(CIVIL WRIT JURISDICTION)

C.W.J.C.NO.-----OF 2013.

Suresh Kumar Singh-----Petitioner.

Versus

The State of Bihar and others-----Respondents.

SYNOPSIS.

Prayer:-

- i. For quashing the order dated 08.12.2012 passed in Appeal No.195/11-12 (Suresh Kumar Singh versus Block Education Officer, Murfiganj), passed by the District Teacher Employment Appellate Authority, Madhepura, by which the claim of petitioner for appointment on the post of Block Teacher under physical handicapped category has been rejected.
- ii. For direction to the other official respondents to co-operate in the proceeding of fair appointment and after adopting the due process of law, appoint the petitioner on the post of Block Teacher under physical handicapped category.

Date of Events:

2008: In the year of 2008 the State govt. announced for appointment of teachers as Block Teacher and the same is circulated in all district authorities for needful action.

That as per rule of selection of Block Teacher the application was called for from desirable candidates in Murliganj Block, under Madhepura District. It is relevant to mention here that being a well educated desirable candidate physically challenged, the petitioner submitted his application as per instruction under disability category (in reservation category) and after submission of his application he received the receiving slip bearing Serial No. 19553.

That being a bonafide candidate the petitioner believe that he was one of the suitable candidate for selection/appointment on the post of block teacher, but after lapse of several time when the petitioner was not selected, then he approached before the competent authority and made request to publish the selection list but the authority concerned always given assurance to the petitioner, that as much as possible earlier the selection list will be published.

In the mean time, the petitioner became seriously ill and when he came back in healthy position, again he raised his grievances before the competent authority for appointment on the post of Block Teacher, but no action has taken by the concerned authority and being aggrieved the acts of authority concerned the petitioner raised his grievances before the District Teacher employment Appellate Authority, Madhepura under Appeal Case No.195/2012.

9.11.2012: The learned Appellate Authority relied on the letter No.1017 dated 09.11.2012 sent by the Respondent No.4 where as neither the concerned authority nor the learned Appellate Authority think proper to verify the original records related to selection process, they also not served the copy of letter No.1017 to the petitioner as well as the authority concerned not think proper to give opportunity to the petitioner to defend the case in the light of letter No.1012 and very casually rejected the claim of the petitioner on the best grounds.

8.12.2012: In response of learned Appellate Authority order the Respondent No.4 sent the letter No.1017 dated 09.11.2012 addressed to the learned Appellate Authority with clarification that on the post of Block Teacher reserved for physically challenged person. Some one applied whose name was figured at Sl.No.1 in the merit list. It is relevant to mention here that, it was very unfortunate to reliance on the letter sent by the Respondent No.4 because neither the said letter was handed over to the petitioner nor in respective order dated 08.12.2012 passed by the learned Appellate Authority, the fact was disclosed that under what circumstances same one whose name was figured at S.No. 1 were selected on the post of Block Teacher as well as the authority concerned did not think fit to disclose the name of selected candidate.

Hence this writ application.

Henry L.
Sesh, Seshan
Advocate
A-10, B-10, Patna

IN THE HIGH COURT OF JUDICATURE AT PATNA.

(CIVIL WRIT JURISDICTION)

C.W.J.C.NO.-----OF 2013.

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

And

In the matter of:-

Suresh Kumar Singh, son of Uma Kant Singh, resident of village Digghi,
Post: Digghi, Police Station Murliganj, District Madhepura.

-----Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of
(Primary) Education, govt. of Bihar, Patna.

2. The Member District Teacher Employment Appellate Authority,
Madhepura.
3. The Block Development Officer, Murliganj, Madhepura.
4. The Block Education Officer, Murliganj, Madhepura.

-----Respondents.

To,

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

The humble petition on behalf
of the abovenamed petitioner.

MOST RESPECTFULLY SHEWETH

1. That the present writ application is being filed by the petitioners for
following reasons:
 1. For quashing the order dated 08.12.2012 passed in Appeal
No.195/11-12 (Suresh Kumar Singh Versus Block Education
Officer, Murliganj), passed by the District Teacher Employment

Appellate Authority, Madhepura, by which the claim of petitioner for appointment on the post of Block Teacher under physical handicapped category has been rejected.

- I For direction to the other official respondents to co-operate in the proceeding of fair appointment and after adopting the due process of law, appoint the petitioner on the post of Block Teacher under physical handicapped category.
- II For any other relief or reliefs for which the petitioner is found entitled to, in the light of facts and circumstances of the case.
2. That the petitioner is citizen of India and resides within the territorial jurisdiction of this Hon'ble Court.
3. That it is relevant to state here that in the year of 2008 the State govt. announced for appointment of teachers as Block Teacher and the same is circulated in all district authorities for needful action.
4. That as per rule of selection of Block Teacher the application was called for from desirable candidates in Murliganj block, under Madhepura District. It is relevant to mention here that being a well educated desirable candidate physically challenged, the petitioner submitted his application as per instruction under disability

category (in reservation category), and after submission of application he received the receiving slip bearing Serial No.145...

A copy of Educational Certificate and disabled certificate are annexed herewith and marked as Annexure-1 Series to this writ application.

5. That it is relevant to mention here that, the petitioner has secured 49% marks in Intermediate and he was entitled for 20% weightage marks for disability. Accordingly the petitioner's merit point reached at 69% in merit list. It is relevant to mention here that the competent authority of selection committee prepared a merit list in which the name of petitioner was mentioned.
6. That, it is respectfully and humbly submitted that, on the scheduled/fixed date of counseling the petitioner appeared before the Selection Committee for counseling, but after counseling the selection committee did not inform the petitioner that what steps they have taken for selection.
7. That it is relevant to mention here that being a bonafide candidate the petitioner believes that he was one of the suitable candidates for

selection/apPOINTment on the post of block teacher. He after lapse of several time when the petitioner was not selected, then he approached before the competent authority and made request to publish the selection list but the authority concerned always given assurance to the petitioner, that as much as possible earlier the selection list will be published.

8. That, it is relevant to mention here that, in the mean time, the petitioner became seriously ill and when he came back in healthy position again he raised his grievances before the competent authority for appointment on the post of Block Teacher, but no action has taken by the concerned authority and being aggrieved the acts of authority concerned the petitioner raised his grievances before the District Teacher employment Appellate Authority, Madhepura under Appeal Case No.195/2012.

9. That it is respectfully and humbly submitted that the said case was heard by the learned appellate Authority in several dates and also directed to the official respondents to produce the report related to selection of Block Teacher appointment under Murliganj Block.

That, it is relevant to mention here that, in response of various Appellate Authority order the Respondent No.4, sent a letter No.1017 dated 09.11.2012 addressed to the learned appellate authority with clarification that on the post of Block Teacher, reserved for physically challenged person. Some one appointed whose name was figured at Sl.No.1 in the merit list. It is relevant to mention here that, it was very unfortunate to reliance on the letter sent by the Respondent No.4 because neither the said letter was handed over to the petitioner nor in respective order dated 08.12.2012 passed by the learned Appellate Authority, the fact was disclosed that under what circumstances same one whose name was figured at Sl.No. 1 were selected on the post of Block Teacher as well as the authority concerned did not think fit to disclose the name of selected candidate.

A typed copy of order dated 08.12.2012 is annexed herewith and marked as Annexure-2 to this writ application.

11. That, it is respectfully and humbly submitted that the learned Appellate Authority rely on the letter No.1017 dated 09.11.2012

sent by the Respondent No.4 who as neither the concerned authority nor the learned Appellate Authority think proper to verify the original records related to selection process, they also not served the copy of letter No.1017 to the petitioner as well as the authority concerned not think proper to give opportunity to the petitioner to defend the case in the light of letter no.1012 and very casualy rejected the claim of the petitioner on nonest ground.

12. That, it is relevant to mention here that the learned Appellate Authority as well as the concerned authority thoroughly became fail to adjudicate the petitioners case in accordance with law hence in the interest of justice, it will be fit to set aside the order dated 08.12.2012 passed in Appeal Case No.395/11-12 passed by the District Teacher Employment Appellate Authority, Madhavara.

13. That in the light of aforesaid facts and circumstances it is respectfully and humbly submitted that being a disabled candidate the petitioner has been left over with no alternative and equally efficacious remedy except then to move before this Hon'ble Court under extra ordinary writ jurisdiction for redressal of his aforesaid grievances.

14. That, the petitioner has not argued before this Hon'ble Court on any earlier occasion for the relief which has been prayed in paragraph No.1 of this writ application.

It is, therefore, prayed that Your Lordships may graciously be pleased to admit this writ application issue the Rule NISI calling upon the respondents to show cause as to why the relief prayed for in paragraph No.1 be not allowed and on return of the rule cause being shown if any and after hearing the parties be pleased to allow the present writ application.

And/Or

To pass such other order/orders as Your Lordships may deem fit and proper in the light of facts and circumstances of this case.

And for these the petitioner shall ever pray.

AFFIDAVIT.

I, Suresh Kumar Singh, aged about ~~42~~ years son of Uma Kant Singh, resident of village Digghi, Post Digghi, Police station Murliganj, District Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am petitioner in this case and as such 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 have understood and the statement made in paragraph Nos. ~~1, 2, 3, 7, 10, 13 & 14~~ are true to my knowledge and those made in paragraph Nos. ~~3, 4, 6, 8, 9, 10 & 12~~ are based upon information derived from the records which I believe to be true the rest are by way of submissions to this Hon'ble Court.
3. That the Annexures are photo/truc copies of their respective originals.

Suresh Kumar Singh

Pompeii 1/1

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1/1

Ms. A.
133511

BHARATI HIGHER SECONDARY EDUCATION COLLEGE, PATNA



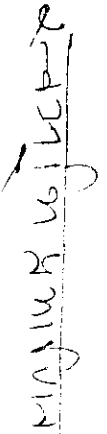
L.A.

The following are the marks obtained by of 19 at the Intermediate Examination of 2019-20 for the subject

Enrollment No. of 19 at the Intermediate Examination of 2019-20 for the subject

Subjects	Rashtra Bhasha Hindi	Rashtra Bhasha (Non Hindi) & M. G. 50 + 50	Language and Literature Compulsory (M.G. 400)	OPTIONAL I (Hindi)		OPTIONAL II (Sanskrit)		OPTIONAL III (Prakrit)		ADDITIONAL		TOTAL (To be written in words also)
				Theory	Practical	Theory	Practical	Theory	Practical	Theory	Practical	
Full Marks	100	50+50	200	200	100	100	100	100	100	100	50	
Obtained Marks	50	30	80	80	45	45	45	45	45	45	20	
Marks obtained by the candidate	50	30	80	80	45	45	45	45	45	45	20	

Asst. in Charge


 2-ADJGN KM/VIA
 BHARATI
 PATNA

Taught by

Secretary

(1)

विद्यार्थी प्रवेश प्रमाणिका



1990-91

प्रमाणित किया जाता है कि

जो X की इन्टरमीडिएट परीक्षा में

सं. 1990 की इन्टरमीडिएट परीक्षा में

दिने 21 श्रीमं उत्तीर्ण हुए/हई।

प्रमाणित किया जाता है कि

परायण के विषय

1. श्रीमं की इन्टरमीडिएट

2. श्रीमं की इन्टरमीडिएट

3. श्रीमं की इन्टरमीडिएट

4. श्रीमं की इन्टरमीडिएट

परिभाषिका
 सचिव
 श्रीमं
 श्रीमं

पटना दिने 19 90

14

विकलांगता के प्रकार एवं कोड

1. A U	AUTISM
2. CP	HEARING IMPAIRMENT
3. HI	HEARING IMPAIRMENT
4. LD	LOCOMOTOR DISABILITIES
5. MR	MENTAL RETARDATION
6. M1	MENTAL ILLNESS
7. MD	MULTIPLE DISABILITIES
8. VI	VISUAL IMPAIRMENT

GENERAL INSTRUCTION

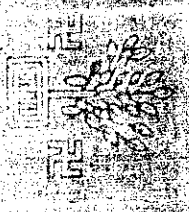
- The holder of the Identity Card for Persons with Disabilities is eligible to claim concession / benefits provided by Centre Govt, State Govt, Statutory Bodies and other local authorities in accordance with these instructions issued by these authorities from time to time.
- This Identity Card shall be valid for 10 years from the date of issue and can be renewed after expiry of the prescribed period by the Competent Authority.
- The concessions / benefits provided to the Person with Disabilities holding this Identity Card shall be entered in the same.
- Use of this Identity Card by any person other than holder of this Identity Card is not permissible and is punishable under law.
- Any alteration / addition / deletion in the entries made in this Identity card shall be made only by the Competent Issuing Authority.

17

परिचय पत्र-सह-विकलांगता प्रमाण-पत्र

STATE CODE	DISTRICT CODE	BLOCK CODE										
BH	M	D	H	0	0	0	0	0	0	0	0	1

DISTRICT NAME: MADHUBHURA
 BLOCK NAME: ...



DEPARTMENT OF SOCIAL WELFARE
 (DIRECTORATE OF SOCIAL WELFARE)
 Government of Bihar

विद्वान् कर्मचारिणः (विशेषज्ञः)
 बिहार सरकार

STAFF COMMISSIONER FOR SOCIAL WELFARE
 BIHAR, PATNA

Issued by
 राज्य आयुक्त, वि:शुभकला
 बिहार, पटना

जिला शिक्षक मिर्जापुर जमीनी साक्षिकार 6

आपीक नर - 195/11-12 साकेदक - सुरेश कुमार

21-09-12



आपका नाम नम्-08 के प्रथम शिक्षक मिर्जापुर जमीनी
प्रथम शिक्षा परामर्शी मुरली गौड़ के जिला न्याय
दफ्तर जमा नमा नमा है। प्रथम
शिक्षा परामर्शी के नाम-म. गौड़ के अपील नम्
प्रतिवेक नो मुरली गौड़ - 09-12 को
अपवाचित है।

01-09-12

आपकी उपाधीत नमा नमा। प्रति अपील
है। प्रथम शिक्षा परामर्शी से प्रतिवेक
नमा है। प्रतिवेक को उपाधीत नमा है। दिनांक
29-09-12 को उपलब्ध है।

29-09-12

आपीक उपाधीत नमा नमा। प्रति अपील
है। प्रथम शिक्षा परामर्शी मुरली गौड़
प्रतिवेक नमा नमा है। प्रतिवेक
आपीक को दिनांक - 17-09-12 को
है।

11-10-12

आपीक उपाधीत नमा नमा। प्रति अपील
है। प्रतिवेक परामर्शी मुरली गौड़
प्रतिवेक नमा नमा है। दिनांक-17-09-12
को उपलब्ध है।

11-11-12

आपीक उपाधीत नमा नमा। प्रति अपील
है। प्रतिवेक परामर्शी मुरली गौड़
प्रतिवेक नमा नमा है। दिनांक-17-09-12
को उपलब्ध है।

GOVT. OF
UPRA 500



मिर्जापुर जिला शिक्षक