

Priyanka Jaiswal Vs State Of Bihar And Ors

Court: Patna High Court

Date of Decision: May 20, 2021

Hon'ble Judges: Anil Kumar Upadhyay, J

Bench: Single Bench

Advocate: Gajanan Arun, Jitendra Kr.Roy

Final Decision: Disposed Of

Judgement

1. Heard learned counsel appearing on behalf of the petitioner and learned Standing Counsel No. 13 for the State.

2. This matter was earlier heard at length. The Court noticing that the counter affidavit filed on behalf of the respondents as sketchy one, directed the

respondents to file further affidavit. Notwithstanding the order dated 17.03.2021, no further affidavit has been filed.

3. The petitioner, who was at Sl. No. 1 in the merit list of unreserved category has been ignored in the matter of appointment.

4. It would be appropriate to quote the stand taken by the respondents in para 4 of the counter affidavit.

“4. That the statements made by the petitioner in para 1 is in the form of prayer of the petitioner before the Hon'ble High Court for grant of

relief sought for by the petitioner and hence needs no comment. The sum and substance of the case is, in brief, as follows:-

(i) That pursuant to advertisement dated 20.12.2014 (Annexure P/1 to the writ petition) wherein the scheduled date for receiving the application was

between 22.12.2014 to 21.01.2015, the scheduled date for final publication of the merit list was 04.03.2015 and the scheduled date for approval of the

merit list by the District was 16.03.2015, the petitioner and other candidates applied for appointment on the post of Primary Teacher in Gram

Panchayat Raj, Khairwa under Dumra Block of Sitamarhi district.

(ii) That under due procedure a merit list was prepared by the Panchayat Teacher Appointment Unit, Gram Panchayat Raj, Khairwa but the final merit

list was published on 21.03.2015 after lapse of 18 days from the scheduled date 04.03.2015 and thereafter it was sent to the District Education

Officer, Sitamarhi vide letter no. 2 dated 25.03.2015 (Annexure-P/4 to the writ petition) issued under the signature of Panchayat Secretary, Gram

Panchayat Raj, Khairwa for approval of the District Education Officer, Sitamarhi.

(iii) That the required merit list and the concerned CD were not submitted by a number of Appointments Units and so a letter bearing no. 1033 dated

05.12.2015 (Annexure-P-5 to the writ petition) was issued by the DEO, Sitamarhi to the Appointment Units to submit the required merit list with its

CD in the light of Instruction/Time Table issued by the Department for appointment of the candidates belonging to Urdu Category.

(iv) That later on it was found that there was no clear instruction of the Department regarding appointment of the candidates belonging to General

Category.

(v) That under the circumstances mentioned above the merit list submitted by the Panchayat Secretary, Gram Panchayat Raj, Khairwa, Block Dumra

was not approved by the DEO, Sitamarhi and hence the petitioner being a candidate of General Category has not been appointed.

5. From the averments made in the counter affidavit noted hereinabove, it appears that the respondents have admitted the fact that the petitioner is at

Sl. No. 1 in the merit list. It is also admitted that the merit list was sent for approval of the District Education Officer, Sitamarhi. It is also evident that

there is absolutely no objection so far as merit list is concerned. The only objection was that the approval of the merit list was not accorded before

16.03.2015 and as such notwithstanding the fact that the petitioner was at Sl. No. 1 in the merit list was ignored in the matter of appointment. In the

aforesaid circumstances, the Court directed the respondents to file further affidavit but no such affidavit has been filed on their behalf.

6. In view of the above, no useful purpose would be served by keeping the matter pending. The writ petition is disposed of with a direction to the

District Education Officer, Sitamarhi to verify the record in relation to the appointment of Panchayat Teacher of Gram Panchayat Raj, Khairwa,

Block Dumra, District- Sitamarhi and if it is found that the petitioner is at Sl. No. 1 in the merit list, he shall ensure appointment of the petitioner in

unreserved category considering her merit position. Necessary decision including issuance of appointment letter and posting of the petitioner must be

taken by the respondent- District Education Officer, Sitamarhi at the earliest preferably within a period of three months from the date of

receipt/production of a copy of this order failing which the District Education Officer, Sitamarhi shall not draw salary after expiry of three months

period from the date of communication of the order.

7. With the aforesaid, the writ petition stands disposed of.

8. Let a copy of this order be communicated to the Principal Secretary of the Department to ensure that henceforth no person like the petitioner of

this case is denied appointment on account of delay in approval of merit list by the officials of the Education Department.