

Santosh Kumar Pandey Vs. the State of Bihar and ors.

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SooperKanoon Citation : sooperkanoon.com/123125

Court : Patna

Decided On : Jan-31-2008

Judge : Navin Sinha, J.

Appellant : Santosh Kumar Pandey

Respondent : The State of Bihar and ors.

Disposition : Application allowed

Prior history : Navin Sinha, J. 1. Heard learned counsel for the petitioner and the State. The controversy relates to the appointment on the post of Secretary, Gram Panchayat. The question is the equivalence of the qualification prescribed in the advertisement. 2 The advertisement stated that the minimum educational qualification was Secondary (Matric). The petitioner, who is Madhyama pass, claims the right of consideration for appointment in pursuance of his having been empanelled in serial 1 in pursuance of

Judgement :

Navin Sinha, J.

1. Heard learned counsel for the petitioner and the State.

The controversy relates to the appointment on the post of Secretary, Gram Panchayat. The question is the equivalence of the qualification prescribed in the

advertisement.

2 The advertisement stated that the minimum educational qualification was Secondary (Matric). The petitioner, who is Madhyama pass, claims the right of consideration for appointment in pursuance of his having been empanelled in serial 1 in pursuance of the selection process basing his plea that the qualification of Madhyama was equivalent to Matriculation. Reliance for the purpose is placed on a Government instruction dated 11.1.1999 clarifying that the qualification of Madhyama was equivalent to Matriculation.

3. A counter affidavit has been filed on behalf of the State. The Government policy decision dated 11.1.1999, which is the sheet anchor of the writ application does not find any consideration in the counter affidavit neither is it denied. This Court, therefore, arrived at a finding that the Government policy dated 11.1.1999 is valid and requires enforcement. No other ground has been urged in the counter affidavit for denial of the case of the petitioner.

4. In terms of the Government policy dated 11.1.1999 this Court holds that the qualification of Madhyama is equivalent to Matriculation. The Respondents are now required to consider the case of the petitioner for appointment in accordance with the seniority position in the merit list.

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