

Basanti Kachhap and ors., Vs. the State of Bihar and ors.

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Court : Jharkhand

Decided On : Feb-12-2001

Reported in : 2001(49)BLJR1600

Judge : Gurusharan Sharma, J.

Acts : Service Law

Appeal No. : CWJC Nos. 1498, 1664, 2291, 2403 and 2405 of 1993 (R)

Appellant : Basanti Kachhap and ors., ;ijhar Ahmad, ;yogendra Choudhary,
;marshil Khalkho and ;rameshwar Mahto a

Respondent : The State of Bihar and ors.

Advocate for Def. : M.S. Anwar, G.P. 1,; R.K. Merathia, G.P. 2 and; R.N. Sah

Advocate for Pet/Ap. : K.C. Mahto, Adv.

Disposition : Writ applications dismissed

Judgement :

Gurusharan Sharma, J.

1. Heard, petitioners in these five writ applications claim to have been empanelled in 1987, panel prepared for Ranchi District for appointment of Assistant Teachers in Primary Schools. Their claim is that in-spite of possessing requisite qualification

and training, they were not appointed. A direction, therefore, was sought to be given to the respondents to appoint them.

2. In this regard, reference may be made to the decision in *Anil Kumar v. Chief Secretary*, 1987 PLJR 846, wherein such panels prepared districtwise for appointment of Assistant Teachers in Primary Schools in the year 1985 were declared unconstitutional. However, appointment already made from those panels earlier were not disturbed.

3. Reference may also be made to a Division Bench decision in *Birendra Kumar Srivastava and Ors. v. State of Bihar and Ors.* 1991 (2) PLJR 18, wherein again such panel prepared districtwise was declared unconstitutional and appointments made therefrom in the meantime were also quashed.

4. The State Government, thereafter, issued circular dated 2.7.1989 to prepare a combined panel for appointment to the post of teachers and a liberty was given to those, who were already in the panels prepared districtwise that they were also covered by the said circular.

5. Reference in this regard may be made to another Division Bench decision in *Ramji Tiwari and Ors. v. The State of Bihar and others*, 1996 (1) all PLR 273, wherein exactly in the similar circumstance, like the petitioners' grievance herein, it was held that it was not desirable to make appointment out of such panels, which were prepared in 1987 and specially after it was held unconstitutional by decision in *Anil Kumar (supra)*.

6. In the aforesaid circumstances, the petitioners herein are not entitled to get any relief from this Court. These five writ applications are, accordingly, dismissed but without costs.

7. Writ applications dismissed.