

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6116 of 2010

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Bandita Kumari W/O Shri Ashok Kumar Choudhary, D/O Shri
Bhuwaneshwar Prasad Yadav R/O Vill Dhantola Hasanpura, P.S. Palasi,
Distt-Araria

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources
Development Department Bihar, Patna
2. District Magistrate Araria
3. District Teachers Employment Appellate Authority Araria
4. Deputy Development Commissioner Araria
5. District Superintendent Of Education Araria
6. Block Development Officer Palasi, Araria
7. Block Education Extension Officer Palasi, Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambrish Kr.Jha
Mr. Binit Kumar

For the Respondent/s : Mr. (Sc2)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

03. 30.04.2013

The Court would not interfere with the impugned order, contained in Annexure- 10 for the reason that even though petitioner may not have contributed as is stand taken before this Court in manipulation of her percentage of marks, which was shown against her name, but the fact is that her appointment on the post of Block Teacher was done on the basis of her having 69.32 per cent of marks, whereas the actual percentage of marks in terms of the mark-sheet of the petitioner works out to only 51.11 percent.

An inflated percentage of marks shown against

her obviously was to accommodate her at the cost of other meritorious students. This position cannot be wished away by the petitioner by saying that it was not her problem as to how she was appointed.

Appointment on a public post has to be above suspicion and has to be for rational and cogent basis. Since there is violation of Article 14 and 16 of the Constitution of India, since some authority was hell-bent upon extending benefit to the petitioner by manipulating records by miscalculating or misinterpreting the marks for making appointment, such appointment is not required to be continued.

Writ Application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J.)

SKM/-