

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3957 of 2015

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1. Avinash Narayan Singh S/o Ram Narayan Singh Resident of Village-
Choughain, P.S. Mavar, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resources Development, Govt. of Bihar, Patna.
3. The District Magistrate/Collector, Buxar.
4. The District Education Officer, Buxar.
5. The Block Development Officer, Choughan, District- Buxar.
6. The Block Education Officer, Choughan , District- Buxar.
7. The Mukhiya Gram Panchayat Nacha, Block- Choughain, District- Buxar
8. The Panchayat Secretary, Gram Panchayat Nachap Block Choughain, District- Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

Mr Mohit Shrivastava

For the Respondent/s : Mr. Rakesh Prabhat, AC to SC 9

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-06-2015

Initially, the petitioner painted a picture as if the Member, District Teachers Employment Appellate Tribunal has passed the order without any authority of law illegally for extraneous reasons. He, therefore, filed the writ application for quashing of the order dated 9.10.2014, contained in Annexure-1.

One of the grounds urged is that the Tribunal has no power of review and once an order was passed earlier in a batch of appeals, namely, 17, 18 and 19 of 2012 where was the occasion to annul the appointment or set it aside contrary to the previous



direction dated 18.7.2013. The matter relates to appointment on the post of a Panchayat Teacher. The Court, therefore, issued a direction even upon the Member of the District Teachers Employment Appellate Authority, Buxar to file an affidavit and explain. The counter affidavit of the said authority after due service has been filed and is on record. Reading of the same indicates that the previous order was a kind of conditional order and not a final order. The Tribunal had given direction for verification of the certificates and the originals of the petitioner therein and then consider making appointments. But as usual, the Mukhiya and the Gram Panchayat Secretary found it as an opportunity and made these appointments without verification. Subsequently, the authorities of the Education Department discovered these flaws as well as the authenticity of the so-called claim of the educational qualification of those persons including the present petitioner. It was in this background that certain clarification was sought by the Block Development Officer and then the subsequent order came to be passed.

It is also evident that till date the verification with regard to authenticity of the educational qualification of the petitioner as an Intermediate has not been certified by any authority much less erstwhile Intermediate Council.

If this is so then persons who failed to have the requisite

qualification cannot draw advantage of the previous direction or order which was a conditional order and the reasons indicated are good enough reasons for the Tribunal to pass the impugned order dated 9.10.2014.

Counsel for the petitioner submits that the Court can get the authenticity of the certificate of the petitioner verified. With due respect the ball is in the court of the petitioner and the authorities and it is not the business of the Court to get verified the authenticity on behalf of the petitioner. If the petitioner can satisfy the respondents with the authenticity of the certificate and if it is found to be valid surely he can assert his right. No direction can be given to interfere with the impugned order.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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