

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.659 of 2014

IN

Civil Writ Jurisdiction Case No. 18186 of 2013

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Priyanka D/o of Sri Vijay Kumar Singh AND Wife of Sri Ranjit Kumar Singh
resident of Village- Shahpur, P.O. + P.S.- Sonpur, District- Saran, Pin: 841101

.... Appellant

Versus

1. The State of Bihar through Secretary, Ministry of Human Resource & Development Department, Government of Bihar, New Secretariat, Patna
2. The District Magistrate, Saran (Chhapra), Bihar
3. The District Education Officer, Saran (Chhapra), Bihar
4. The Secretary, District Teacher Employment Appellants Authority, Saran Chhapra, Bihar
5. The Sub-Divisional Officer, Sonpur, District- Saran, Bihar, Pin- 841101
6. The Block Development Officer-cum-Chairman, Block Teacher Employment Committee, Sonpur, District- Saran (Bihar) Pin: 841101
7. The Block Education Extension Officer-Cum-Secretary, Block Teacher Employment Committee, Sonpur, P.O. + P.S.- Sonpur, Distt.- Saran (Bihar) Pin: 841101
8. Sri Daroga Rai, Ex-Mukhiya, Gram Panchayat Raj Saidpur, P.O. + P.S.- Sonpur, Distt.- Saran (Bihar) Pin: 841101
9. Sri Anil Kumar Rai, Present Mukhiya, Gram Panchayat Raj Saidpur, P.O. + P.S.- Sonpur, District- Saran (Bihar), Pin: 841101
10. Sri Rajeshwar Ram, Ex-Panchayat Secretary (Sachiv) Gram Panchayat Raj Saidpur, P.O. + P.S.- Sonpur, District- Saran (Bihar) Pin: 841101 at present Jogapatti Block Agriculture Office, P.O.- Jogapatti, District- Bettiah, Bihar
11. Sri Ghanshyam Rai, Panchayat Secretary (Sachiv) Gram Panchayat Raj Saidpur P.O. + P.S.- Sonpur, District- Saran (Bihar) Pin: 841101
12. Sri Ran Vijay Singh, Son of Late Mauji Lal Singh, Ex-Panchayat Samiti member and Member of Panchayat Teacher Panel Formation and recommendation Committee, Gram Panchayat Raj Saidpur, P.O. + P.S.- Sonpur, District- Saran (Bihar) Pin: 841101 and resident of Village- Kasmar, P.O. + P.S.- Sonpur, District- Saran Pin: 841101
13. Smt. Usha Devi, wife of Nathuni Sah, Ex-Member of Panchayat Teacher Panel Formation and recommendation Committee Panchayat Raj Saidpur, P.O. + P.S.- Sonpur, District- Saran, Pin: 841101
14. Smt. Bhawna Rani, wife of Sri Arvind Kumar Singh, residing at Meena Bazar, Sonpur, P.O. + P.S.- Sonpur, District- Saran, Pin: 841101

.... Respondents

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Appearance :

For the Appellant : Mr. Sanjay Kumar Griyaghey, Adv.
Mr. Ranjeet Tiwary, Adv.
Mr. S.K. Singh, Adv.

For the Respondents : Mr. Bishwajeet Singh, Adv.
Mr. Ugranath Mallik, Adv.
Mr. Manish Chandra Gandhi, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 19-02-2015

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For the purpose of appointing Panchayat Teachers for the school at Gram Panchayat Raj Saidpur, Sonepur Block , District- Saran, applications were invited in 2009. The appellant, respondent No.14 and certain others submitted applications. A list of eligible candidates is said to have been prepared. For quite a long time, no orders of appointment were issued. It is stated that the Government of Bihar, in its Education Department, issued orders in August, 2010, directing that if any selected candidate was not appointed as Panchayat Teacher, the process shall be completed by 13.8.2010. Similar direction is said to have been issued in December, 2010. Complaining that despite being a selected candidate, she is not issued order of appointment. The appellant filed Appeal No.70/11 before the District Teacher Employment Appellate Authority, Saran. The 14th respondent herein, on the other hand, filed Appeal No.74/11. In addition to that, another candidate Ranjan Kumar filed Appeal No.4/12.

The Tribunal took up Appeal No.74/11, filed by the 14th respondent herein first, and allowed the same on



11.11.2011. Appeal No.70/11 and Appeal No.7/12 were, however, heard later on and they were dismissed mainly on the ground that the only vacancy available at the relevant time was filled through the 14th respondent on the basis of the order in Appeal No.74/11. The appellant filed C.W.J.C. No.18186/13. Challenging the orders passed in Appeal No.70/11 as well as Appeal No.74/11. Learned single Judge dismissed the writ petition through order dated 21.10.2014. Hence, this Letters Patent Appeal.

Heard Shri Sanjay Griyaghey, learned counsel for the Appellant, and Shri Bishwajeet Singh, learned counsel for the respondents.

For one reason or the other, the appointment of teachers for the Panchayat referred to above was delayed for years together. While the appellant filed Appeal No.70/11, the 14th respondent filed Appeal No.74/11 in this context before the Appellate Authority. Since both the Appeals are in relation to the same post, the Appellate Authority was expected to take up them together. Even if it were to be a case of hearing the appeals according to the seniority or serial number, Appeal No.70/11 was required to be disposed of earlier. However, the authority has taken up Appeal No.74/11 and allowed it on 11.11.2011. It was nearly one

year thereafter that the Appeal No.70/11 was taken up and dismissed. May be, for want of experience or other reasons, the Appellate Authority did not follow the correct procedure.

We, therefore, allow the Writ Appeal and set aside the order passed by the learned single Judge in the writ petition. Consequently, the writ petition is allowed and the order dated 11.11.2011 passed in Appeal No.74/11 and the order dated 18.2.2013, passed in Appeal No.70/11 by the Appellate Authority are set aside. Both the appeals are remanded to the Appellate Authority for consideration and disposal. Pending such disposal, the 14th respondent herein shall continue as a teacher. However, her continuance would be subject to the outcome of the Appeals.

The appeals shall be disposed of within three months from the date of issuance of first notice. Interlocutory application, if any, stands disposed of. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

K.C.jha/-
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