

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12677 of 2015

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Gufran Ahmad s/o Maulvi Abdus Samad, resident of village Burhimari,
Prakhand, Kochadhaman, district Kishanganj.

.... Petitioner/s

Versus

- 1.The State of Bihar through the Secretary, Human Resource Development
Department, Government of Bihar, Patna.
- 2.The District Appellate Authority, Kishanganj.
- 3.The Executive Officer-cum-Member Secretary, Prakhand Teachers
Employment Unit, Kochadhaman.
4. Prakhand Education officer, Kochadhaman.
- 5.Pramukh-cum-President, Prakhand Teachers Employment Unit,
Kochadhaman.
- 6.The Principal Secretary, Primary School, Burhimari.
- 7.Md. Pervez Anwar, son of md. Mamnun Hussain, Resident of village-
Tetaliya, Post Ghushman Hat, P.S. Angarh, District Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Respondent/s : Mr. Rajesh Kumar- Gp19

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 17-08-2015 Heard learned counsel for the parties.

Once this Court would find that the petitioner did not possess the prescribed qualification for appointment on the post of Panchayat Teacher, this Court will have no difficulty in approving the order of the District Teachers Employment Appellate Authority(hereinafter referred to as the Tribunal) to the extent of approving the termination of the services of the petitioner.

The rest of submission of learned counsel for the



petitioner that even after removal of the petitioner, the private respondent no. 7, could not have been appointed in place of the petitioner would evoke a limited response of this Court by way of direction to the appointing unit to examine as to whether respondent no. 7 is the best candidate and, if not, it should approach the Tribunal for seeking modification of that part of the order where if someone having better position in the merit list now has been sought to be sacrificed for appointment of respondent no. 7. In other words, if there are better candidates available than respondent no. 7, the Tribunal's order shall not be given effect to, unless the Tribunal re-determines the matter, after affording opportunity of hearing both to the employing unit as also to the petitioner and respondent no. 7.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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