

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8560 of 2009

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Chandrika Prasad Gupta son of Laate Ayodhya Prasad Gupta, resident of
village Amapur, Police Station Semapur, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Secretary, Department of Human Resources, Govt. of Bihar, Patna
3. District Magistrate, Katihar
4. District Superintendent of Education-cum-District Programme Co-ordinator, Katihar
5. District Education Officer, Katihar
6. Member, District Teachers Employment Appellate Authority, Katihar
7. Block Education Extension Officer, Barari, District Katihar

.... Respondents Ist Set

8. Pallavi Saha, daughter of Tarun Prasad Saha, resident of village Aminabad Semapur, Police Station Semapur, district Katihar

Respondent 2nd Set.

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Appearance :

For the Petitioner/s : Ms. Sushmita Mishra, Advocate

For the Respondent/s : Mr. AC to AAG 14

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 23-03-2015

Heard learned counsel for the petitioner and learned AC to AAG 14, appearing on behalf of the respondent nos. 1 to 7. However, despite valid service of notice, none is appearing on behalf of the respondent no.8.

The petitioner is the Mukhiya of Gram Panchayat Raj, Bareta under Barari Block in the district of Katihar. The order under challenge is the order dated 08.05.2009 (Annexure-1) passed by the District Teachers' Employment Appellate Authority, Katihar, whereby a direction has been issued for appointment of the respondent no.8 on the post of Panchayat teacher.

The grievance of the petitioner is that the finding recorded in the impugned order that summons/notices were served upon the petitioner is incorrect. Therefore, it is contended that the

impugned order is an ex parte one, which is fit to be set aside.

From the findings recorded in the impugned order, it appears that the petitioner, being the Mukhiya of Gram Panchayat in question, had appointed his own daughter on the post of Panchayat Teacher ignoring the claim of the respondent no.8. The daughter of the present petitioner, the real aggrieved person, has not joined the present proceeding.

Therefore, in the opinion of this Court, the present writ petition at the behest of the present petitioner, being the Mukhiya of the Gram Panchayat, is not maintainable. It is, accordingly, dismissed. However, if any writ petition is filed by the real aggrieved person, then that shall be considered and decided in accordance with law, without being prejudiced by the present order.

(Birendra Prasad Verma, J)

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