

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1226 of 2012

IN

Civil Writ Jurisdiction Case No. 14222 of 2011

=====

Bibi Nargish Sultan, D/O Razaul Haque, W/O Md. Hasnain, Resident of Village -
Haria Mirbala, P.S. + District – Araria.

.... Petitioner-Appellant.

Versus

1. The State of Bihar.
2. The Director, Primary Education, Patna.
3. The District Magistrate, Araria.
4. The District Superintendent of Education, Araria.
5. The Block Education Extension Officer, Araria
6. The Popularly Elected Mukhiya, Gram Panchayat Raj Hariya, Block & District – Araria.
7. Gajala Khanam, D/O Naryar Alam, W/O Akil Ahmed, Modern Pathlogy, Resident of Hospital Road, P.S. Arera, Distt – Araria.
8. Nagma Firdaus, D/O Ms. Isheradud Haque C/O Abdussemed Ali Kitab, Resident of Village - Yatim Khan Complex Araria, P.S. & Distt – Araria.
9. Abhilasha Kumari, D/O Surendra Prasad Ray, Resident of Kali Bazar, Ward No. 10, P.S. And Distt – Araria.
10. Seema Asad, D/O Wasi Ahmad, R/O Village-Balwa, P.O. Hariyapara, P.S. Araria, arash, District-Araria.

.... Respondents-Respondents.

=====

Appearance:

For the Appellant : M/s. Rajendra Prasad Singh, Senior Advocate & Mukesh Kumar Singh, Advocate.

For the State : Mr. Siddhartha Prasad, AC to AAG-IV.

For Respondent Nos.6, : Mr. Anil Prasad Singh, Advocate.
7 and 10

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 07-07-2015

The appellant was the writ petitioner.

2. The matter relates to selection of Panchayat Teacher.

Appellant-writ petitioner was appointed as Urdu Teacher in the Gram



Panchayat. In relation to the selection process, several objections were filed and, ultimately, the matter was taken to the District Teachers Appellate Tribunal (hereinafter referred to as “the Tribunal”). The Tribunal heard various objecting parties and made inquiries. Prima facie, it was satisfied that as there was a lot of bungling, the Tribunal issued notice to the appellant-writ petitioner, who had been selected and appointed. The basic allegation that was levelled was that upon application being scrutinized, the merit list was prepared. Though the writ petitioner-appellant was at the bottom of the list yet showing that all other meritorious applicants, who were above her in the merit list, did not turn up for counseling, by default, the writ petitioner-appellant was selected and appointed. It was alleged that this was the handi work of her father-in-law, the Mukhiha of the Gram Panchayat, otherwise, why would the meritorious persons not turn up for counseling? Taking this into account, the Tribunal set aside the selection process and directed the Gram Panchayat to proceed afresh from the merit list for counseling and it is in this process that during the pendency of this appeal, Respondent No.10 has been selected.

3. To our direct question, Sri Rajendra Prasad Singh, the learned senior counsel appearing on behalf of the appellant, could not dispute that as per the initial merit list, the Respondent No.10 was

above the writ petitioner-appellant but he contends that as she had not turned up for counseling, she lost her position but the whole allegation has been that from the stage of counseling, everything was managed at the instance of the writ petitioner-appellant's father-in-law, who was the Mukhiya. Why would otherwise Respondent No.10 not turn up for counseling and why she did not turn up earlier? She was always desirous of appointment but she could not make endeavor to challenge the appointment in favour of the writ petitioner-appellant. It is this reason that persuaded the learned Single Judge not to interfere in the matter and also persuades this Court in not interfering with the matter.

4. The appeal is, thus, dismissed.

(Navaniti Prasad Singh, J)

(Rajendra Kumar Mishra, J)

P.S./-Bhardwaj

U			
---	--	--	--