

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.834 of 2010

IN

Civil Writ Jurisdiction Case No. 7568 of 2009

Pratibha Kumari, W/o Sri Bimlesh Kumar, R/O Vill.- Koaadi Block, Bathnaha,
P.S.- Shonbarsha, District- Sitamarhi. Respondent No.8/Appellant.

Versus

1. Sangita Kumari, W/o Sri Akhileshwar Kumar, D/O Sri Sita Ram Sah, R/O
Vill.- Dositiya, P.S.- Sonbarsa, Distt.- Sitamarhi.

... .. Petitioner/Respondent 1st set.

2. The State of Bihar.

3. The Block Development Officer Sonbarsa, Distt.- Sitamarhi.

4. The Block Education Extension Officer Sonbarsa, Sitamarhi.

5. The Sub-Divisional Officer, Sitamarhi.

6. Zila Shikshak Niyojan Pradhikar, Sitamarhi .

7. Selection Committee Through Secretary Gram Panchayat Gonahi Bishanpur,
Block- Sonbarsa, Distt.- Sitamarhi.

8. Bindoo Prasad S/O Not Known Mukhiya, Gram Panchayat Gonahi Bishanpur,
Block- Sonbarsa, Distt.- Sitamarhi.

9. Smt. Urmila Kumari D/O Not Known Head Mistress, Nav Srijit Prathamik
Vidyalaya Gonahi Bishanpur, P.S.- Sonbarsa, Distt.- Sitamarhi.

10. The District Magistrate, Sitamarhi.

11. The District Superintendent of Education Sitamarhi.

.... .. Respondents/Respondents 2nd Set.

Appearance :

For the Appellant : Mr. Jagannath Singh, Adv.

For the Private-respondent : Mr. Shailendra Kumar Singh, Adv.

Mr. Ajay Kumar Tiwari, Adv.

For the Respondents : Mr. Amish Kumar, AC to AAG-14.

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 31-07-2015

Heard learned counsel for the appellant, who was
respondent no.8 in the writ proceedings, respondent no.1, who
was writ petitioner, and the State.

The writ petitioner was selected and appointed as
Panchayat Teacher. This was challenged by respondent



no.8/appellant that she had no notice of counselling. The District Teachers Employment Appellate Authority (hereinafter in short 'Appellate Authority') allowed the appeal and set aside the appointment of the petitioner/respondent no.1. The petitioner/respondent no.1 challenged the order of the Appellate Authority by filing a writ petition before this Court. The learned Single Judge quashed the order of the Appellate Authority and allowed the writ petition. Hence, respondent no.8/appellant is before us.

The sole issue raised in this appeal is that the appellant had no notice for counselling. On the other hand, the writ petitioner, who is the sole-contesting respondent in this appeal, has shown to us not only the registers of the Panchayat which shows that notices were issued under certificate of posting but news about counselling and its dates were also published in the newspapers long before the date of counselling. The counselling was fixed on 14th of February, 2007 and these newspapers articles are of 09th and 10th of February, 2007. Learned counsel for the State also joins in submission and submits that, in fact, the Panchayat Teacher recruitment was a Pan State process simultaneously being carried out and people had applied at different stations, therefore, people could not be at the place of counselling at the same time. Having failed to secure

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appointment giving various grounds, they approached the authorities.

Having considered the matter, in our view, there was sufficient notice with regard to counselling in the local daily Hindi newspapers not once but twice and that too before the date of counselling, to say that the appellant had no notice would be futile. Thus, this appeal merits no consideration and is dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Trivedi/NAFR

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