

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1228 of 2013**

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1. Sarwari Khatoon Daughter Of Sheikh Abid Hussain R/O Vill-Mahua  
 Bhusa, P.S.-Gaunaha, Distt-West Champaran

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Department Of Human Resources , Government Of Bihar, Patna
3. Director, Primary Education , Government Of Bihar, Patna
4. District Magistrate, West Champaran At Bettiah
5. District Education Officer, West Champaran At Bettiah
6. Nodal Officer(Primary Education), West Champaran At Bettiah
7. Block Development Officer, Narkatiaganj, Distt-West Champaran
8. Mukhiya , Hardi Terha Gram Panchayat Raj, P.S.-Shikarpur, Distt-West Champaran
9. Panchayat Secretary, Hardi Terha Gram Panchayat Raj, P.S.-Shikarpur, Distt-West Champaran
10. District Teachers Employment Appellate Authority, West Champaran At Bettiah Through Its Member
11. Hridesh Kumar S/O Ramesh Paswan R/O Vill-Bahuarwa, P.S.-Shikarpur, Distt-West Champaran, Hadi Terha Gram Panchayat Raj, Block-Narkatiaganj, P.S.-Shikarpur, Distt-West Champaran
12. Neha Verma Daughter Of Mithilesh Sharan R/O Narkatiaganj, P.S.-Shikarpur, Distt-West Champaran, Hadi Terha Gram Panchayat Raj, Block-Narkatiaganj, P.S.-Shikarpur, Distt-West Champaran
13. Madhu Kumari Daughter Of Dayanand Prasad Narkatiaganj, P.S.-Shikarpur, Distt-West Champaran, Hadi Terha Gram Panchayat Raj, Block-Narkatiaganj, P.S.-Shikarpur, Distt-West Champaran
14. Md. Safique S/O Sheikh Samsuddin R/O Vill-Bhataura, P.S.-Shikarpur, Distt-West Champaran, Hadi Terha Gram Panchayat Raj, Block-Narkatiaganj, P.S.-Shikarpur, Distt-West Champaran

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma  
 For the Respondent/s : Mr. Dhurjati Kr Prasad Gp7

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA  
 PRATAP SINGH**  
**ORAL ORDER**

8      04-12-2015      Heard learned counsel for the petitioner and learned counsel  
  
 for the State as well as learned counsel appearing on behalf of the  
  
 private respondents.



The instant case has a long history. The appointment process for appointment of Urdu teacher under Hardi Terha Gram Panchayat started in the year 2008. On 29.12.2010, respondent No.14 Md. Shafique was appointed as Urdu teacher. As his joining was not being accepted, he moved the Appellate Tribunal which directed the respondents to ensure his joining.

On the other hand, petitioner moved this Court in C.W.J.C. No.174291 of 2011. The case of the petitioner was that she secured 82.3% marks whereas the respondent No.14 secured only 79% marks. Her further case was that Niyojan Samity still appointed respondent No.14 Md. Safique though he was lowered down in the gradation list. She further stated that there is no signature of Md. Safique in the counseling register to show that in fact he was present on the date of counseling. The writ petition, however, was subsequently dismissed with liberty to the petitioner to approach the District Teachers Appointment Appellate Authority with respect to her grievances.

The petitioner thus filed a complaint before the District Teachers Appointment Appellate Authority which was primarily dismissed as the complaint was time barred and did not adjudicate on merit of the case.

Counsel for the private respondents submits that respondent No.14 was present on all the counselings and as the petitioner was not present at the time of main counseling, the appointment letter was issued in favour of respondent No.14 Md. Safique.

Having regard to the facts and circumstances of the case, the District Teachers Appointment Appellate Authority ought to have decided the matter on merit particularly when this Court observed that if the petitioner files an application before it, he will decide the matter afresh after hearing the parties.

In view of the above, the matter is remanded to the District Teachers Appointment Appellate Authority to hear the matter afresh after giving notice to all concerned. The impugned order dated 19.9.2012 passed by the District Teachers Appointment Appellate Authority is set aside and the writ application is allowed only to the extent indicated above.

**(Samarendra Pratap Singh, J)**

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