

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6219 of 2015

=====

1. Naseem Fatima daughter of Imteyaz Alam, Wife of Adil Asghar resident of Pakhrari, P.O. & P.S. Sheosagar, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Primary Education, Bihar, Patna.
2. The District Magistrate, Sasaram at Rohtas.
3. The Senior Additional Collector, Incharge District Public Grievance Cell, Rohtas.
4. The District Education Officer, Sasaram at Rohtas.
5. The District Education Superintendent, Rohtas.
6. The District Programme Officer, Establishment, Rohtas.
7. The District Jan Siksha Officer, Rohtas.
8. The Block Development Officer, Shivsagar, Sasaram at Rohtas.
9. The Block Education Officer, Shivsagar Block, Sasaram at Rohtas.
10. The Panchayat Sewak-cum-Sachiv Padri Gram Panchayat , Shivsagar, Rohtas.
11. Mukhiya Gram Panchayat, Padri Shivsagar, Sasaram at Rohtas.
12. Rashida Jabbin D/o Irshad Ahmad Resident of Mohalla Chaukhandi, P.O. & P.S. Sasaram, Rohtas.
13. Tarannum Nisha Parvez D/o Md. Zubair Resident of Village Gajoundha, P.O. Barela, P.S. Sheosagar, District Rohtas.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Syed Firoz Raza

For the Respondent/s : Mr. SC25- A. Ujjwal

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 10-07-2015

If an order was passed by the District Teachers Employment Appellate Authority Rohtas at Sasaram as far as 28.2.2011 in case no.102 of 2010 upholding the allegation of the petitioner that the private respondent Rashida Jabbin had obtained appontment on a forged experience certificate then this Court fails to understand that after that order dated 28.2.2011 has not been set

aside how she can continue to occupy the post of a Panchayat Teacher. This is a matter to be looked into by the appropriate authorities and ensure that such persons do not continue to occupy the post of a Panchayat Teacher even for a day. After the declaration by the Tribunal, every day's continuance by the said person is illegal. If payments have also been made even that is illegal.

The other aspect of the matter is whether the petitioner can get a right automatically for being appointed in case the post is vacated by Rashida Jabbin.

Appointment process had been completed. Exercise being over, if any person stands removed for illegal selection, for whatever reason, vacancy will not accrue to the petitioner because she was part of the list of short listed candidates. The vacancy will get carried over and filled up in the next round of exercise as and when it is held. But this Court cannot direct that the petitioner would be appointed to fill up the vacancy, which was caused by removal of respondent no.2 Rashida Jabbin.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

sk

U			
---	--	--	--