

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1548 of 2014

IN

Civil Writ Jurisdiction Case No. 1289 of 2014

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1. Rekha Kumari W/O Sri Manoj Kumar Rai, R/O Village - Chandpur, P.O. Hasanpur Gurda, P.S. Patory, Distt. - Samastipur

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Primary Education, Government of Bihar, Patna
3. The Member, District Teacher Employment Appellate Authority , Samastipur, District- Samastipur
4. The District Education Officer, Samastipur, District- Samastipur
5. The District Programme Officer, Samastipur, District - Samastipur
6. The Block Education Officer, Mohanpur, District- Samastipur
7. The Block Development Officer, Mohanpur, District - Samastipur
8. The Block Pramukh, Mahanpur, District - Samastipur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate.

For the Respondent/s : Mr. Manish Kumar, GP-8

Mr. Nawal Kishore Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

AND

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 27-01-2015

The appellant, in the present appeal, is aggrieved by the order, dated 03.02.2014, of learned single Judge passed in CWJC No. 1289 of 2014, whereby the petitioner's application, under Article 226 of the Constitution of India, seeking quashing of the order, dated 08.06.2012, passed by the Member, District

Teacher Employment Appellate Authority, Samastipur (hereinafter referred to as the 'Appellate Authority'), came to be dismissed.

2. The appellant had preferred an appeal before the Appellate Authority seeking direction for consideration of her case for appointment on the post of Block Teacher for Mohanpur Block in Samastipur District. The appeal was rejected on the ground that she had approached the Appellate Authority belatedly much after preparation of the merit list for appointment to the said post.

3. The facts of the case, as noted down by the learned single Judge in the order under appeal, are not in dispute. Learned counsel for the appellant, in addition, agrees that a merit list for appointment to the post of Block Teacher for the said Mohanpur Block was prepared on 24.01.2009. It is his case that had there been no circular/notice issued by the Human Resources Department, Government of Bihar, fixing the last date up to which appointment letters could be issued for appointment as Block Teachers, on the basis of the merit list, the petitioner could have been appointed. The notice/decision of the department was brought on record by way of Annexure-2 to the writ petition before the learned single Judge showing that 28.12.2010 fixed as the last date, by the said notice, up to which appointment letters could be issued for appointment to



the post of Block Teacher. Learned counsel for the appellant has referred to another letter, dated 21.02.2011, issued by the same department, which contained that merely on the basis of the earlier notice issued by the department, appointment to the petitioner ought not to have been denied by the Tribunal as it was indicated in the said letter, dated 21.02.2011, that the Tribunal could pass order for appointment on case to case basis.

4. From the order, under appeal, we find, and which is not in dispute, that the panel was prepared for appointment as Block Teacher. On the basis of panel prepared on 24.01.2009, the petitioner approached the Appellate Authority in the year 2012. The learned single Judge rejected the petitioner's claim that the Tribunal ought to have ordered her appointment as Block Teacher and refused to accept the plea that the appellant's case was covered by an order of this Court, dated 20.07.2012, passed in CWJC No. 12487 of 2012 (Ram Briksh Ram v. The State of Bihar and others), on the ground that the said Ram Briksh Ram had approached the Appellate Authority within one year from the date of preparation of panel. This is not in dispute that no person having less merit than the petitioner had been appointed as Block Teacher on the basis of the panel prepared on 24.01.2009. We do not find any infirmity in the reasoning assigned by learned single Judge,

while rejecting the writ petition on the ground that petitioner did not have any indefeasible right to be appointed as Block Teacher on the basis of the said merit list prepared, on 24.01.2009; more so, when he had approached the Tribunal more than one year after preparation of the panel. We do not find any reason to interfere with the order under appeal.

5. This appeal is accordingly dismissed.

(I. A. Ansari, J.)

(Chakradhari Sharan Singh, J.)

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