

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12597 of 2015

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Sudhanshu Shekhar, Son of Sri Chandramohan Jha, resident of Village &
P.O.- Rupauli Bazar, P.S.- Bazurg, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through 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 Magistrate, Samastipur.
5. The District Education Officer, Samastipur.
6. The District Programme Officer (Establishment), Samastipur.
7. The Block Development Officer, Sarairanjan, Samastipur.
8. The Block Education Officer, Sarairanjan, Samastipur.
9. The Panchayat Secretary, Gram Pandhayat Raj, Bishwambharpur,
Allauth (B.Allauth), Block- Sarairanjan, Samastipur.
10. The Mukhiya Gram Pandhayat Raj, Bishwambharpur, Allauth
(B.Allauth), Block- Sarairanjan, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Prakash, Advocate.

For the Respondent/s : Mr. Dr. A.K. U Padhyaya, SC 20

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 18-08-2015

Heard learned counsel for the parties.

2. Mr. Amit Prakash, learned counsel for the petitioner,
very fairly submits that the same impugned order passed by the
Panchayat Shikshak Niyojan Samiti dated 04.09.2013 in respect of
six persons covered by the same order alike the petitioner, has
already been upheld by this Court by an order dated 28.01.2015 in
C.W.J.C. No. 20907 of 2013 by way of dismissal of the writ
application an LPA No. 1204 of 2015 is pending against such
order before the Division Bench.

3. Dr. A.K.Upadhyaya, learned counsel for the State, however, seeks to distinguish that the order of the Panchayat Shikshak Niyojan Samiti dated 04.09.2013 of six persons has merged in the order passed by the District Teachers Employment Appellate Authority (hereinafter referred to as the 'Appellate Authority') dated 07.01.2015 which has gone into all the issues at length wherein the Appellate Authority has recorded specific findings as with regard to the appointment of the petitioner to be out and out illegal.

4. In the considered opinion of this Court, it does not find any reason to interfere with the order of the Appellate Authority dated 07.01.2015 inasmuch as when it finds that the case of the petitioner has been considered at length and his appointment has been found to be bad on account of there being persons having higher marks than the petitioner to have been illegally ignored and thus leaving other better candidates from being selected and appointed on the post of teacher.

5. Thus, for the aforesaid reasons, this writ application fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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