

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 1564 of 2013
IN
Civil Writ Jurisdiction Case No 7956 of 2013

=====

Nutan Rana Wife Of Bijay Kumar Resident Of Village- Birpur, P.S.-
Birpur, District- Supaul

.... Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The District Magistrate, Supaul
3. The Sub-Divisional Officer, Birpur, Supaul
4. The Chief Executive Officer, Birpur Nagar Panchayat, Supaul
5. The District Teacher Appointment Appellate Tribunal, Supaul through Its Member
6. The Bharti Kumari Dev C/O Late Laxmi Narayan Dev, Resident of Quarter No. - F/30, Kashiv Colony, Birpur (Supaul)

.... Respondent/s

=====

For the Appellant/s : Smt Shashi Priya Pathak, Advocate

For the Respondent/s : M/s M K Sinha, SC I &
S K Karn, AC to SC I

=====

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE MR JUSTICE JITENDRA MOHAN SHARMA
ORAL JUDGMENT
(Per: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 10-03-2015

Having heard the learned counsel for the appellant, we are of the view that there is no point in dealing with the interlocutory application for stay alone as the matter can be decided on merit itself. With consent of parties, the matter is heard for its final disposal at this stage itself.

2 Petitioner had been selected and appointed as a

Panchayat Shikshak. Her services were terminated on the ground that she had passed vocational course. Having been terminated, she then applied for the post of Nagar Shikshak. She was not selected. She then challenged her termination from the post of Panchayat Shikshak before this Court and also came to this Court challenging her non-selection as Nagar Shikshak. Thus, there were two writ petitions pending, one terminating her services as Panchayat Shikshak and the second with regard to non-selection as Nagar Shikshak. In neither of the writ petitions, she mentioned about the pendency of the other writ petition. The writ petition with regard to Nagar Shikshak was taken up and was allowed. It was directed that she be considered for selection as vocational course was valid for such appointment. Consequentially, she was appointed as such. The fact that she was appointed as Nagar Shikshak, she did not bring to the notice of this Court in the other writ petition which dealt with her termination as Panchayat Shikshak. That writ petition was then taken up and allowed. Her termination was set aside and it was also, at her instance, ordered that she would be deemed to be in continuous service. The result was that the appellant came to be entitled to be in service both as Panchayat Shikshak with continuity and as Nagar Shikshak, both of which are different and distinct. This matter having been brought to the notice of the District Teachers' Appointment

3

Appellate Tribunal (In short *the Tribunal*), the Tribunal noted the dichotomy and ordered cancellation of her selection as Nagar Shikshak. This was obvious that she had got continuity of service from this Court as a Panchayat Shikshak. It is this order that she had challenged in the writ petition which writ petition was dismissed leading to this intra-Court appeal.

3 In the facts aforesaid, all we can say is that the appellant is to blame for her own circumstance and predicament. Had she brought this fact to the notice of this Court that she had already been employed as Nagar Shikshak, at the very instance, the second writ petition would have become infructuous. She took a chance. This is the consequence of sailing in two boats. We sympathize and hope that her job as Panchayat Shikshak would continue as ordered by this Court. We cannot, under the said circumstances, hold that either the Tribunal or the learned Single Judge erred in taking the decision which they did.

4 This appeal merits no consideration. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

M.E.H./-

U			
---	--	--	--