

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23272 of 2013**

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1. Binita Kumari D/O Late Prabhu Pandit Resident Of Village- Jhajhwa,  
Post Office- Jhajhwa, Police Station- Sidhwalia, District- Gopalganj.

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department  
Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna
4. The Division Commissioner, Saran Division at Chapra
5. The District Magistrate, Gopalganj, District- Gopalganj
6. The Deputy Development Commissioner- cum- Chairman, District  
Education Establishment Committee, Gopalganj
7. The District Programme Officer (Establishment), Gopalganj
8. The Block Development Officer, Sidhwalia, District Gopalganj
9. The Block Education Extension Officer, Barauli, District Gopalganj
10. The Mukhiya, Gram Panchayat Raj Sadauwa, Block- Barauli, Police  
Station Sidhwalia, District Gopalganj
11. The Panchayat Secretary, Gram Panchayat Raj Sadauwa, Block- Barauli,  
Police Station- Sidhwalia, District Gopalganj
12. Meera Kumari D/o Sri Ramchandra Prasad, Resident of Village- Sareya  
Pahar, Post Office Barhima, Police Station Sidhwalia, District Gopalganj
13. Asha Dvivedi wife of Sri Arvind Dubey, Resident of village- Sareya  
Pahar, Post Office- Barhima, Police Station Sidhwalia, District Gopalganj
14. The Member, District Teachers Employment Appellate Authority,  
Gopalganj

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Respondent/s : Mr. K.K.Jha, AAG 14

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**ORAL ORDER**

2      09-01-2015                      Heard learned counsel for the petitioner and counsel  
for the State.

Petitioner has been harping on the fact that the  
private respondent is married in Uttar Pradesh and she was also  
employed in Uttar Pradesh. That being so, she cannot be treated  
as resident of Bihar, therefore, her selection and appointment as a

Panchayat Teacher is misplaced. The Tribunal has wrongly held her appointment to be correct and the impugned order contained in Annexure- 13 dated 25.9.2013 passed in Appeal Case No.13 of 2011 is required to be set aside.

The Court is not impressed with the submission and contention of the counsel for the petitioner because such a submission was even made before the learned Tribunal. The Tribunal has considered every aspect of the matter including the right, status and the law prevalent on the subject. Mere matrimony of the private respondent does not make her a non-resident of Bihar when the facts stand that her father is very much resident of Bihar and she continues to have even legal interest which has been dealt with in the concluding part of the order of the Tribunal.

The ground which the petitioner is urging cannot be a ground for removal of the private respondent or her selection and appointment as a Panchayat Teacher. Even if the petitioner is insistent that the private respondent was working and worked in Uttar Pradesh it does not make a difference to her right for such consideration and selection.

Writ is dismissed.

Office is directed to return the counter affidavit of

the State which has been wrongly filed because the name of the present petitioner tallied with the counter affidavit of yet another case with the same name.

**(Ajay Kumar Tripathi, J)**

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