

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22600 of 2013

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Archana Kumari Wife Of Dilip Kumar Resident Of Mohalla - Bahadurpur,
Ward No.27, Police Station - Town Samastipur, District - Samastipur
..... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Govt. Of Bihar, Patna
3. The Director, Primary Education, Govt. Of Bihar, Patna.
4. The Collector, Samastipur
5. The District Education Officer, Samastipur
6. The District Programme Officer Establishment, Samastipur
7. The Block Development Officer, Sarai Ranjan, District - Samastipur
8. The Block Education Officer, Sarai Ranjan, District - Samastipur
9. The Panchayat Secretary, Gram Panchayat Raj Jitwarpur, Kumhira, Block - Sarai Ranjan, District - Samastipur
10. The Mukhiya - Cum - Chairman, Panchayat Teacher Appointment Jitwarpur, Kumhira, Block - Sarai Ranjan, District - Samastipur
11. The Headmaster, Primary School, Rampur, Ward No.4, Gram Panchayat Raj Jitwarpur, Kumhira, Block - Sarai Ranjan, District - Samastipur

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh
For the Respondent/s : Mr. Sunil Kumar Karn, AC to SC 1

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

2 05-01-2015 The Court is not required to exercise its discretion under Article 226 of the Constitution and grant a relief which will have the effect of perpetuating an illegality committed in appointment and selection of Panchayat Teachers under Sarai Ranjan Block, District Samastipur merely because some Teachers Employment Appellate Authority was indiscreet in allowing some of those appointees to continue.

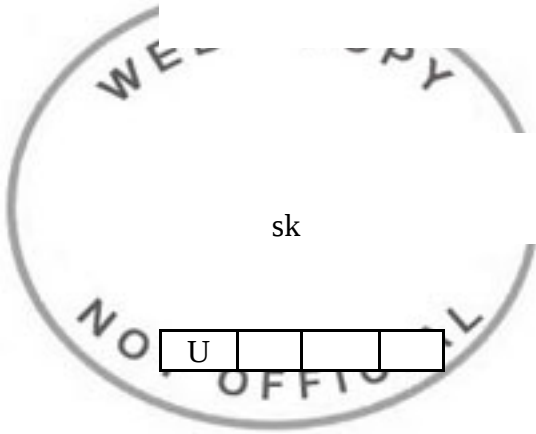


A detailed investigation was done by the Vigilance Department of the State of Bihar where the kind of illegality and irregularity committed in such appointment has been talked about in quite a detail. The Court is not impressed by the submission or the stand taken by the petitioner that there is nothing alleged against him. If the selection procedure stands vitiated by such illegal acts committed by the Panchayat and the Members thereof petitioner is also a beneficiary of such an illegality. The Court, therefore, will not give its seal of approval by giving any direction in favour of the petitioner for his continuance merely because in similar matter the Teachers Employment Appellate Authority has given a direction in favour of yet another person, which is appeal no.66 of 2013 in the case of Jitendra Kumar Rai as well as Appeal No.65 of 2013 in the case of Amarjeet Singh Rathor, on 17.9.2013. The Court, however, directs the Director, Primary Education, Government of Bihar whether such kind of illegal orders, which has been passed by the Member of the District Teachers Employment Appellate Authority, Samastipur is required to be redeemed and revisited by taking appropriate remedial measure. It cannot be made basis for the benefit which petitioner is looking for in the present writ application.

Writ application is dismissed.

Let a copy of the order be communicated to the

Director, Primary Education, Government of Bihar.



(Ajay Kumar Tripathi, J)