

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1244 of 2014

In
Civil Writ Jurisdiction Case No. 19917 of 2012

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Anurodh Kumar son of Nimai Chandra Das, resident of village- Binod Tola,
P.O.- Durgapur, P.S.-Amdabad, District - Katihar

.... Appellant

Versus

1. The State of Bihar
2. The Block Development Officer, Amdabad, District - Katihar
3. The Mukhiya, Gram Panchayat Raj, Durgapur, Block - Amdabad, District - Katihar
4. The Panchayat Teacher Niyojan Committee, through its Secretary, Gram Panchayat Raj, Durgapur, Block - Amdabad, District -Katihar
5. The District Teacher Employment Appellate Tribunal, Katihar through its Member, District -Katihar
6. Parmanand Raja S/o Jay Narayan Rajak, resident of village - Gaugachhi, P.S. Manihari, District- Katihar

.... Respondents

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Appearance :

For the Appellant : Mr. Rajeev Roy,
Mr. Sunil Prasad Singh, Advocate

For the Respondents : Mr. Dhurjati Kr. Prasad, GP7

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-02-2015 The Gram Panchayat Raj, Durgapur, Block Amdabad, District Katihar appointed as many as 13 Panchayat Teachers for its school. The appellant, one of the candidates, was selected and appointed. The 6th respondent herein filed an appeal before the District Teachers Employment Appellate Authority, Katihar challenging the appointment of the petitioner. His case was that he secured 46.56% marks in the Intermediate Examination whereas the appellant secured only 45.4 % marks and that he

ought to have been selected. The Authority, however, rejected the appeal, through the order dated 09.04.2012 on the ground that the selection process has come to an end and that the 6th respondent did not appear in the Counselling.

Again the 6th respondent filed CWJC No.19917 of 2012. After hearing the parties, the learned Single Judge allowed the writ petition and set aside the order dated 09.04.2012 passed by the Tribunal and the matter was remanded back to the Tribunal by this Court. Hence, the same was under challenge in this appeal.

Heard Mr. Rajeev Roy, learned counsel for the appellant and Mr. Dhurjati Kumar Prasad learned Government Pleader for the respondents.

It is not in dispute that the remedy of appeal is provided to an unsuccessful candidate, in the matter of selection and appointment, for the post of Panchayat Teacher. It is a matter of record, that the 6th respondent secured 46.56% marks and the appellant secured 45.4% marks. If the percentage of marks alone is the criterion for selection and one of the candidates is selected, the candidate who secured higher marks can certainly avail the remedy of appeal. The Authority has to verify whether the selection was done in accordance with law. The Authority however, refused to entertain the appeal by stating that the State

Government has put an end to the selection process.

In our view, the learned Single Judge has taken correct view of the matter by requiring the Authority to entertain the appeal. No interference is warranted with the said order. This appeal is dismissed. There shall be no order as to costs.

However, it is clarified that none of the observations made by the learned Single Judge, shall be treated as a pronouncement on the merits and the appeal shall be examined with reference to the relevant records.

The interlocutory application, if any, shall stand disposed of.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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