

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1211 of 2012
IN
Civil Writ Jurisdiction Case No. 7534 of 2011**

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Vimlesh Kumari, daughter of Ramnarayan Pd. Yadav, resident of Kunaniya, P.O. Bela, Police Station - Parihear, District – Sitamarhi.Petitioner/Appellant.

Versus

1. The State of Bihar through District Education Officer, Sitamarhi.
 2. The Block Education Officer, Sonbarsa, Sitamarhi.
 3. Member, District Teachers Appointment Appellate Tribunal, Sitamarhi.
- Respondents/Respondents.
- =====

Appearance :

For the Appellant : Mr. Ajit Kumar Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 23-02-2015

The appellant was the writ petitioner. She had applied for the post of Prakhanda Shikshak. She qualified in the merit list and was called for counseling. After counseling, she waited for appointment letter which did not come in time. When she got a letter it was late. The appointment process was already over. She claimed that there was no newspaper being circulated in her small remote village and as such she had no knowledge of her selection. She then represented but her representation was turned down as appointment had already been made. She appealed to the District Teachers Appellate Authority unsuccessfully. She then filed the writ petition which had been dismissed.

Having heard learned counsel for the appellant, we are not inclined to interfere in the matter. One of the reasons being that when she had approached the authorities at the very initial stage itself she was told that having not joined within the time stipulated, her joining could not be accepted. The vacancy had been filled. In the writ petition even though the third party rights have been created but that person was not made a party respondent. Even before this Appellate Court the appointee who would be dislodged had not been made party.

In view of the aforesaid facts, we are unable to interfere in the matter. However, the appellant, if otherwise qualified, would be at liberty to apply for any other vacancy that may arise in future.

With this observation, this appeal is dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

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