

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No 1362 of 2013**

**IN**

**Civil Writ Jurisdiction Case No. 22934 of 2012**

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Santosh Kumar Roy Son Of Sri Mathur Chand Roy R/O Village- Bobra, P.S.  
Kadwa, District- Katihar

.... .... Appellant/s

Versus

1. The State Of Bihar the Principal Secretary, Department Of Human Resources Development, Government of Bihar, Patna
2. The District Magistrate cum Collector, Katihar
3. The District Education Officer, Katihar
4. The District Superintendent of Education, Katihar
5. The Block Development Officer, Kadwa Block, Katihar
6. The Block Education Extension Officer, Kadwa Block, Katihar
7. The Member District Teachers Selection Appellate Tribunal, Katihar
8. The Mukhiya, Gram Panchayat Raj Tetaliya, Katihar
9. The Panchayat Secretary, Gram Panchayat Raj Tetaliya, Kadwa, Katihar
10. Smt Najma Khatoon Wife of Sri Zainul Abedin The Then Mukhiya, Gram Panchayat Raj Tetaliya, Kadwa, Katihar
11. Sri Md Arif Panchayat Secretary, Gram Panchayat Raj Tetaliya, Kadwa, Katihar
12. Arun Kumar Roy Son Of Sri Gauri Shanker Roy R/O Village- Pachgachi, P.O. Salmari, P.S. Kadwa, District- Katihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : M/s Siya Ram Shahi &  
Md Helal Ahmad, Advocates

For the Respondent/s : M/s Md Nadim Seraj & Shailesh Kr, Advocates

For the State : Mr Mrigendra Kumar, AC to GA 11

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**CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH**

**And**

**HON'BLE JUSTICE SMT ANJANA MISHRA**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)**

**Date: 08-12-2015**

We have heard Shri Siya Ram Shahi in respect of the  
interlocutory application filed for stay of judgment. In our view, there

is no point considering the matter of interim stay, instead, with consent of parties, we have heard the appeal on merit itself.

**2** The writ petitioner is the contesting private respondent who has also appeared. The appellant was respondent No 12 in the writ petition. The writ petitioner had challenged the selection and appointment of respondent No 12 as Panchyat Teacher first before the District Teachers Appointment Appellate Tribunal unsuccessfully and then before this Court. We have gone through the judgment and order of the learned single Judge. Learned single Judge called for the original records of counseling and other records of the Panchayat and also examined the same in presence of the District Magistrate of District – Katihar. Upon examination of the facts and hearing the parties, the learned Single Judge observed that when the counseling was adjourned, the next dates were not communicated to the candidates personally. What was done, a newspaper notice was issued by the State Government at the State level followed by a notice pasted on the Notice Board at the Block level by the Panchayat Samiti. The learned Single Judge held that this was not an adequate notice to the parties. To substantiate this finding, the learned Single Judge also noticed that out of 120 candidates, who were aspiring for selection, only 12 turned up for counseling. Learned Single Judge also referred to other issues to allow the writ petition and set aside the

appointment of respondent No 12 to the writ petition who is the appellant and ordered fresh counseling after notice to parties.

**3** Having considered the matter, in our view, there is no case for interference. The finding that there was no individual notice for the adjourned date issued, once the original counseling was stayed, is sufficient to vitiate the entire selection process. All that the learned Single Judge has done is he has directed the Panchayat to hold fresh counseling after notice to the parties and then select the candidates on merit and not by such a default, as noticed by the learned Single Judge.

**4** For the reasons aforesaid, we are not inclined to interfere. This appeal is, accordingly, dismissed.

**(Navaniti Prasad Singh, J)**

**(Anjana Mishra, J)**

**M.E.H./-**

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