

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1384 of 2012

IN

Civil Writ Jurisdiction Case No. 22399 of 2011

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Gulshan Ara, daughter of Aley Mohammad, wife of Nasim Anwar,
resident of Nauwa Nankar, P.O.- Bara, Istambrar, P.S.- Jokihat,
District- Araria

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
2. Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
3. District Magistrate, District- Araria.
4. District Superintendent of Education, District- Araria.
5. Block Development Officer, Joki Hat, District- Araria.
6. Principal Secretary, Panchayati Raj Department, Government of Bihar, New Secretariat, Patna.
7. Deputy Director (Election), Panchayati Raj Department, Government of Bihar, New Secretariat, Patna.
8. District Panchayat Raj Officer, Araria.
9. District Teacher Employment Appellate Tribunal, Araria.
10. Panchayat Secretary, Gram Panchayat Hardar, Block - Jokihat, District- Araria.
11. The Mukhiya, Gram Panchayat Hardar, Block- Jokihat, District- Araria.

.... Respondents

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For the Appellant : Mr. Mrigank Mauli, Advocate

For the Respondents: Mr. Pratik Kumar Sinha, A.C. to G.A. XII

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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: 07-04-2015

Heard learned counsel for the appellant and

learned counsel for the State and with their consent, this appeal has been heard and is being finally disposed of at this stage itself.

2. The appellant, in this Intra-Court Appeal, was the writ petitioner. By the order of the Tribunal i.e. the District Teachers Appellant Tribunal, the selection of the writ petitioner as Panchayat Teacher was canceled on the ground that she was the wife of Mukhiya of the Panchayat and the Mukhiya was the person who had to make the appointments. There was another candidate Suraiya Tarannum, who was better academically qualified having more marks, but was not appointed. Suraiya Tarannum had complained before the Tribunal that she having not considered for appointment merely because she did not happen to be the wife of Mukhiya, and the writ petitioner Gulshan Ara, being wife of the Mukhiya, was appointed. The Tribunal, on this ground alone, set aside the appointment of the writ petitioner.

3. The learned Single Judge noted the three fold contentions as raised and dismissed the writ petition.

4. Having gone through the order of Tribunal and learned Single Judge, we are not inclined to interfere into

the matter. However, we would like to observe that whether there is any criminality or otherwise would be a matter to be decided by the appropriate authority on their own and direction of the learned Single Judge to enquire into the matter in criminal proceeding would not be an appropriate direction in the facts of this case.

5. With this observation, the Letters Patent Appeal stands dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

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