

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 1680 of 2013
IN
Civil Writ Jurisdiction Case No 19992 of 2011

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Seema Kumari Wife Of Sri Shiv Shankar Singh, D/O Sri Sita Ram Singh Resident
Of Village- Kundwa Chainpur, Police Station- Kundwa, District- East Champaran

.... Appellant/s

Versus

1. The State Of Bihar Through Its Principal Secretary, Department Of Human Resources, Government Of Bihar, Patna
2. The Director, Primary Education, Department Of Human Resources, Government of Bihar, Patna
3. The District Magistrate, Motihari, East Champaran
4. The District Education Officer, East Champaran at Motihari
5. The Block Education Extension Officer, Ghorasahan, District- East Champaran, Motihari
6. The Member, District Education Appointment, Appellate Authority, East Champaran at Motihari
7. The Mukhiya, Gram Panchayat Raj, Samanpur, Ghorasahan, District- East Champaran, Motihari
8. The Panchayat Secretary, Samanpur, Ghorasahan, District- East Champaran, Motihari
9. Block Development Officer, Ghorasahan, District- East Champaran, Motihari
10. Pratibha Kumari Wife Of Anil Kumar, D/O Dhramdeo Prasad Resident Of Village + P.O.- Jagdishpur, Briti Taula, Police Station- Jagdishpur, Block- Nautan, District- West Champaran, At Present Panchayat Teacher Rajkiya Primary School, Samanour, P.O.- Darwa Khurd, Via- Kundwa Chainpur, District- East Champaran

.... Respondent/s

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For the Appellant/s : Mr N K Agrawal, Sr Advocate with
Mr Vijay Anand, Advocate

For Respondent No 10 : Mr Manoj Kumar, Advocate

For the State : Mr Vivek Prasad, GP 18

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 10-08-2015

IA No 5926 of 2015 has been filed for stay of the order
passed by the District Teachers Appointment Appellate Authority (for
brevity, *the Authority*).

2 We are not inclined to entertain the same because in our

view, there is hardly any controversy in the Letters Patent Appeal to be decided.

3 IA No 5926 of 2015 stands disposed of.

4 The appellant and respondent No 10 in this appeal are contesting for appointment as a Panchayat teacher in the women's reserved category. The Writ Court, by the order under appeal, has directed the Authority to redetermine the issue whether the appellant had adequate notice or not, whether the appellant had appeared for counseling or not and, therefore, it is an open remand to the Authority. This Court wonders, upon remand to Authority, where the Authority had not given finding in regard to material issue, how the appellant would be aggrieved? The appellant's appointment had not been interfered with by the Writ Court.

5 In our view, as the Writ Court has merely remanded the matter to the Authority for reconsideration, we would not interfere in the appeal. The appeal itself is devoid of any merit and is dismissed.

6 The Authority is directed to decide all issues as expeditiously as possible after hearing the parties.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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