

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1302 of 2013

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Priti Kumari Daughter Of Sita Ram Paswan @ Sita Ram Singh Resident Of
Village- Amba (Hariharganj Road), P.S. Amba, District- Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Aurangabad
3. The Block Development Officer, Kutumba, Aurangabad
4. Public Information Officer-Cum-Sub-Divisional Officer, Aurangabad
5. Panchayat Sevak Matpa Gram Panchayat, At Amba, District- Aurangabad
6. Raj Kumari Wife Of Pradeep Baitha Resident Of Village- Ankuppa, P.S. Kutumba, District- Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Singh
For the State: Mr. Pramod Kumar
For Respondent No. 6: Mr. Sanjay Kumar Ojha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 26-08-2015

26.08.2015

Heard learned counsel for the parties.

The order under challenge is contained in Annexure-5 and dated 13/08/2012. The said order has been passed by the District Teachers Employment Appellate Tribunal, Aurangabad in Case No. 394 of 2011 and 16 of 2012. A long legal battle has been going on between the petitioner and the private-respondent no. 6 after appointment came to be made of private-respondent no. 6 on the post of Panchayat Teacher in Matpa Gram Panchayat at Kutumba in the district of Aurangabad. The present set of order under challenge

has been passed by the tribunal at the instance of the earlier direction of a writ court where the present petitioner and the private-respondent were relegated for a fresh adjudication. The tribunal clubbed both the cases, heard it on merits and has decided the issue against the petitioner, therefore, the writ application.

Counsel's submission is that she had better claim for appointment viz-a-viz private-respondent in terms of merit. There is also allegation that even without private-respondents participation in the counseling she came to be appointed and there was a deliberate mischief played by the Panchayat Authorities in sending a communication with a wrong address which prevented her from participation in the counseling on time and this was done with the object of helping the private-respondent to get employment at her cost.

Since much has been harped upon with regard to the communication made by the Panchayat on the wrong address, this question is being dealt as the first issue.

The Court has gone through the entire pleadings. The petitioner's allegation is that she did not receive the communication as the communication became misdirected because the respondents chose to





mis-describe the father's surname in the said communication. This was done with a motive and that was a reason for non-receipt of the communication. A deeper look would throw up the fact that the father's name of the petitioner is "Sita Ram Paswan" and he also uses his name as "Sita Ram Singh". This is not only evident from the writ application, but also the affidavits which petitioner had filed before the tribunal and authorities which have been brought on record in the counter affidavit filed by the private-respondent.

There is not a whisper that in any other details, of the address of the petitioner there is any mis-description. If there was a mis-description it was only with regard to the surname of father, which too is doubted. It is also not a mis-description since that is the name father of the petitioner uses according to his convenience. She can not derive advantage thereof in knocking out the appointment of the private-respondent.

So far as other allegations are concerned even if the Court ignores the finding of the tribunal with regard to delayed action and initiation of the proceeding, since the allegation relates to the year 2007, keeping in view the observation of the High Court, the petitioner does not bring anything tangible and substantive to

demolish the selection and appointment of the private-respondent or to establish her better claim. In fact the petitioner has limited her attack on the Panchayat authorities primarily on non-communication due to wrong description of the surname of the father of the petitioner.

It is one of those cases where the petitioner is trying to hang to whatever facts she can lay her hands on as a desperate measure to beget foot-hold of employment by removing the private-respondent, but such materials not being available from the records and from reading of the impugned order she cannot succeed.

The Court does not feel inclined to interfere with the impugned order. Therefore, the writ application is dismissed.

(Ajay Kumar Tripathi, J.)

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