

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2130 of 2013

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Madhukar Bharti S/O Shri Shyamanand Mandal Resident Of Village &
P.O.- Dholbajja, P.S.- Forbesganj, District- Araria Petitioner
Versus

1. The State Of Bihar
 2. The Director, Primary Education, Human Resources Development
Department, Government of Bihar, Patna
 3. The District Magistrate, Araria
 4. The District Superintendent of Education-Now District Programme
Officer, Establishment, District- Araria
 5. The Block Development Officer, Kursakanta, District- Araria
 6. The Block Education Extension Officer, Kursakanta, District- Araria
 7. The Panchayat Secretary, Gram Panchayat Raj, Jagir Parasi, Block-
Kursakanta, District- Araria
 8. The Mukhiya, Gram Panchayat Raj, Jagir Parasi, Block- Kursakanta,
District- Araria
 9. The Member, District Teachers Appointment Appellate Authority,
District- Araria
 10. Shravan Kumar Mandal S/O Sanichar Mandal Resident of Village &
P.O.- Ghatchikni, P.S.- Kursakanta, District- Araria Respondents
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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Advocate
For the Respondent/s : Mr. Avnish Nandan Sinha GP11

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 08-10-2015 Petitioner and others applied for appointment of Panchayatteacher in Jagir Parasi, Block Kursakanta, district Araria. Grievance of the petitioner is that though he secured more marks than respondent no.10, still his claim was overlooked. The petitioner moved the Block Development Officer, Kursakanta in the year 2007. Some others too made complaint before the BDO, who was the Appellate authority at that time. The BDO cancelled all the appointments. Order of the BDO was challenged before this Court in C.W.J.C.No. 680 of 2008. While setting aside order of the BDO on 12.2.2008, the learned Single Judge referred the matter to the District Magistrate for enquiry giving rise to Misc case no. 3 of 2008.

On enquiry, the District Magistrate noticing irregularities in the appointment process, cancelled the entire appointment vide his order dated 3.12.2008. The affected persons filed writ petitions. One such writ application was C.W.J.C.No. 13520 of 2010. The learned Single judge vide order dated 8.10.2010 quashed order of the District Magistrate, Araria dated 3.12.2008, by which he had cancelled the appointments. The resultant effect was that the appointments were held valid. In the year 2012, the petitioner filed appeal before respondent no.9 which was dismissed as not maintainable. The appellate authority while rejecting the appeal observed that the appointment issue is of the year 2006-07. Besides this, the petitioner has already availed the provision of appeal before the Block Development Officer in 2007.

The petitioner has now challenged the order dated 4.9.2013 of the Tribunal. In my view, once the learned Single judge came to the conclusion that the selection process did not suffer from infirmities and set aside the order of the District Magistrate, dated 3.12.2008, cancelling the selection process, it was not open for the petitioner to question the same again before the Appellate authority. The remedy before the petitioner was by way of filing appeal against order of learned Single Judge, dated 8.10.2010. Thus, I find no ground to interfere with the order of the Tribunal.

The writ petition is accordingly rejected.

Shashi.

(Samarendra Pratap Singh, J)

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