

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2078 of 2015

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1. Pallavi Archana Daughter of Sri Krishna Singh Resident of Village AND PO-
Jeena P.S- Nasariganj, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The District Magistrate, Rohtas.
5. The District Education Officer, Rohtas.
6. The District Programme Officer (Est)., Rohtas.
7. The District Teacher Employment Appellate Authority , Rohtas At Sasaram.
8. The Executive Officer cum Secretary, Nagar Niyojan Samiti, Nagar Parishad, Sasaram, District- Rohtas.
9. Headmaster, High School , Rameshwar Ganj, Sasaram, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Respondent/s : Mr. GA12- AJAY

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-02-2015

05.02.2015

Heard learned counsel for the parties.

Petitioner has challenged Annexure - 1, which is an order passed by the District Teachers Employment Appellate Tribunal, Rohtas at Sasaram. The decision is dated 24.12.2014, passed in Case No. 30 of 2014. Petitioner was complainant before the District Teachers Employment Appellate Tribunal, who was aggrieved, because after her selection and appointment, she has not been paid her salary.

The matter was gone into by the tribunal. The



right and claim of the petitioner was examined. The ultimate finding is that the selection of the petitioner was per se illegal, if not wrong, for the reason that she did not have the requisite subjects to be appointed as a Social Science Teacher, since the vacancy and appointment was not for an Economics Teacher. That was the reason why the respondent authorities stopped her from marking attendance and the dispute arose.

Passing of TET examination is one thing, but selection has to be made in terms of vacancy available and the post for which selection is to be made. If the system has failed and the petitioner drew advantage thereof, it does not create a right in her favour, because ultimately the appointment had to be in consonance with the post vacant and available.

In totality, therefore, the finding given by the District Teachers Employment Appellate Tribunal, contained in Annexure-10, cannot be said to be erroneous. In fact, with due compliment to the Member of the District Teachers Employment Appellate Tribunal he has gone into the issue in quite a detail and considered it meticulously.

Writ application, therefore, has no merit, it is dismissed.

If the petitioner files application for payment for the period she has rendered service the respondents have an obligation to consider and release payment thereof after due verification of records in this regard.

(Ajay Kumar Tripathi, J.)

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