

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2092 of 2015

1. Md. Mustaque Alam @ Md. Mustaque Son of Md. Abdul Rahman, Resident of Village - Chubhiya, P.S. and District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Banka.
5. The District Education Officer, Banka.
6. The District Programme Officer (Establishment), Banka.
7. The Block Development Officer, Banka, District - Banka.
8. The Block Education Extension Officer, Block - Banka, District - Banka.
9. The Mukhiya -cum- Chairman, Selection Committee, Dudhari Panchayat, Block - Banka, District - Banka.
10. The Panchayat Secretary-cum-Secretary, Selection Committee, Dudhari Panchayat, Block - Banka, District - Banka.
11. Md. Asad Ahmad, Son of Md. Fakruddin, Resident of Village - Simaria, P.S. - Kajraily, District - Bhagalpur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. GP6- PRASHANT PRATAP

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-02-2015

05.02.2015

Heard learned counsel for the parties.

The legal battle with regard to appointment or selection of the petitioner on the post of Panchayat Teacher has been one to many. For one technicality or the other, the finality has not been reached. The present order contained in Annexure-8, which is the order passed by the District Teachers Employment Appellate Tribunal, Banka is being challenged by the petitioner

because the tribunal has held the appointment of the petitioner to be illegal and void. The rational and reasoning given by the tribunal is that the counseling register shows serious infirmities and manipulation, including interpolation and erasing the entries made therein. If this is kind of process of selection had been embarked upon by the Panchayat, naturally suspicion with regard to fairness of such selection is bound to arise. With the categorical finding, having been given by the tribunal, in the manner of such selection and appointment of the petitioner, the conclusion reached by the tribunal about his appointment being illegal is not required to be interfered with.

Writ application is dismissed.

(Ajay Kumar Tripathi, J.)

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