

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23281 of 2013

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1. Ram Jivan Ram son of Late Jaga Ram, resident of Village And P.O. Satuyan, P.S.- Baniapur, District- Saran (Chapra)
 2. Upendra Kumar Singh son of Sri Rameshwar Prasad Singh, resident of Village- Senduar, P.O. Dayalpur, Polcie Station- Janta Bazar, District- Saran (Chapra)
 3. Shambhu Kumar Gupta son of Nirmal Prasad Gupta, resident of Village And P.O. Dayalpur, P.S.- Janta Bazar, District- Saran (Chapra)
 4. Kumari Pallavi daughter of Shri Ram Kumar Prasad, wife of Shri Arun Kumar, resident of Village- Dandasapur, P.O. Panditpur, P.S.- Janta Bazar, District- Saran (Chapra)
 5. Bibha Kumari daughter of Shri Prabhu Sah, resident of Village- Dayalpur, P.O.- Panditpur, P.S.- Janta Bazar, District- Saran (Chapra)
 6. Arun Kumar Rai son of Dinanath Rai, resident of Village- Keshri Mathiya, P.S.- Ekma, District- Saran (Chapra)
 7. Asif Hussain son of Md. Shamim, resident of Village- Panditpur, P.O.- Panditpur, P.S.- Janta Bazar, District- Saran (Chapra)
 8. Santosh Kumar Sah son of Ram Lakhan Sah, resident of Village- Panditpur, P.O.- Panditpur, P.S.- Janta Bazar, District- Saran (Chapra)
 9. Hari Kishore Prasad son of Nagina Prasad, resident of Village- Porshotimpur, P.O. Nazirganj, P.S.- Janta Bazar, District- Saran (Chapra)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Magistrate, Saran at Chapra
5. The Deputy Development Commissioner-Cum-Chairman, District Education Establishment Committee, Saran at Chapra
6. The District Education Officer, Saran at Chapra
7. The District Programme Officer (Establishment), Saran at Chapra
8. The Prakhand Pramukh, Lahladpur Prakhand, District- Saran
9. The Block Development Officer, Lahladpur, District Saran
10. The Block Education Officer, Lahladpur, District- Saran
11. The Member, District Teachers Employment Appellate Authority, Saran at Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. Amrendra Kumar, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

2 09-01-2015 There are 9 petitioners before this Court. All of them are aggrieved by a common order dated 15.4.2013 passed by the District Teachers Employment Appellate Authority, Saran at Chapra. There were four sets of appeals which were filed. They all came to be clubbed together and heard together for the reason that a common grievance had been raised against the respondent authorities that despite the complete exercise having been done by the concerned authority for selection on the post of Block Teachers, they were not issued appointment letter even on the extended date of the second phase of selection. Since the reason for non-issuance of appointment letter is not attributable to these petitioners and by virtue of their selection and merit list they acquired a right, direction ought to be given for their appointment.

The tribunal has taken note of all the submissions and arguments and formulated four points - whether the appeals were time barred, whether the selection were made within the terms of the rules as well as roster point, whether the verification of the documents of the petitioners were done within the time-frame by the concerned authority and whether petitioners were entitled for the relief they have prayed for.

All the four points have been answered in negative by the tribunal. The reasons have been assigned for negating and coming

to the finding against the interest of these petitioners. This Court is not required to repeat the finding which has been clearly and succinctly dealt with by the Member of the tribunal

If this is what the final conclusion with regard to the so-called completion of proceeding of selection, the manner in which selection was carried out and with no clear and categorical cogent reason emerging for not completing the selection process even within the extended time of 28.12.2010, then obviously in terms of the direction and communication of the Principal Secretary, Education Department, no appointment could be made after the said cut off date.

In fact, it is found and held that for strange reason a person who joins the office as the Block Education Officer in the year 2012, opens the issue and tries to create a circumstance as if he was continuing with the process left by the previous incumbent, which could not be completed because of his transfer. Obviously, the newly posted officer was also fishing in a troubled water for what was worth for him and for the candidates who had expectation of being given appointment letters on a selection which was never completed within the time-frame indicated by the State authorities.

The finding not suffering from any infirmity as such is not

required to be interfered with.

Writ application has no merit. It is dismissed.



(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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