

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1578 of 2012

IN

Civil Writ Jurisdiction Case No. 10474 of 2012

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Kanchan Mala, D/O Ram Naresh Prasad Singh, W/O Shree Kant Prasad, R/O Village- Malik Sarai, P.O.+ P.S.- Islampur, District- Nalanda at Bihar Sharif.

.... Petitioner/ Appellant/Petitioner.

Versus

1. The State of Bihar.
2. The Zila Shikshak Niyogan Appealaya Pradhikar, Bihar Sharif, Nalanda.
3. The District Education Officer, Nalanda at Bihar Sharif.
4. Rakesh Ranjan Pandey, son of Balmiki Pandey, R/O Village- Barbiga Chak, P.S.- Barbiga, District- Sheikhpura, at present posted as Assistant Teacher, R.B. Uchha Vidayalya, Nalanda, P.O. and P.S. Nalanda, District-Nalanda at Bihar Sharif.

.... Respondents/Respondents.

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Appearance :

For the Appellant : Mr. Arun Kumar No.1, Advocate.

For the Respondents : None.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 30-07-2015

Heard learned counsel for the appellant.

2. Learned Single Judge has refused to interfere with the order of the District Teachers Appointment Appellate Tribunal at Nalanda in Appeal No.202 of 2011 on the ground that the findings are cogent and valid. He has also rejected the prayer or relief sought for by the petitioner for her appointment and refused to interfere with the appointment of respondent no.4.

3. The categorical finding is that the petitioner alongwith

many others did not participate in the counseling on 10.04.2007. This called for notification of afresh date of counseling on 22.10.2007. In this counseling the cut off marks was fixed as 70%. The private respondent no.4 had 72.8% marks. The present petitioner had 69.4% marks coupled with the facts that the petitioner did not participate in the first counseling so held which is not disputed nor the fact that she did apply for second counseling disputed. The bundles of facts did not compel the learned Single Judge to interfere with the decision of the Tribunal.

4. Learned Single Judge has given other reasons as well as to why the order of the Tribunal did not require interference.

5. In view of the above, in absence of any legal infirmity with the decision of the Tribunal as well as the learned Single Judge, no interference is warranted in the order impugned.

6. This Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajendra Kumar Mishra, J)

P.S./-

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