

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19128 of 2010

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1. Dharmendra Kumar S/O Bihari Yadav R/O Vill.- Kolhuawar, P.O.- Itdukha, P.S.- Kawakole, Distt.- Nawada
 2. Kanchan Kumari D/O Late Sakichandra Choudhary R/O Vill. + P.O. + P.S.- Kawakole, Distt.- Nawada
 3. Anju Kumari D/O Bhivisan Prasad R/O Vill. + P.O. + P.S.- Kawakole, Distt.- Nawada

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Human Resources Development Department, Government Of Bihar, Patna
2. The Principal Secretary Human Resources Development Department, Government Of Bihar, Patna
3. The Director, Mass Education, Government Of Bihar
4. The District Magistrte, Distt.- Nawada
5. The District Superintendent Of Education, Nawada
6. The Block Education Extension Officer, Kawiokole, Distt.- Nawada
7. The Mukhiya Of Gram Panchayat Raj, Kawakole, Block- Kawakole, Distt.- Nawada
8. The Panchayat Secretary Gram Panchayat Raj, Kawakole, Block- Kawakole, Distt.- Nawada
9. Sunita Kumari D/o Bhagwan Das R/V Jogachack, P.O. Kawkole, Nawada
10. Premlata Kumari W/o Prabhakar Pd. R/V Jogachack P.O. Kawakole, Nawada
11. Arvind Kumar S/o Ramchandra Yadav R/V P.O. Shirpur, Nawada
12. Naresh Prasad S/o Sadhusaran Yadav R/V Kothunar P.O.EAt-Dakawa, Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pd.Gupta
For the Respondent/s : Mr. (GP-17)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 16-01-2015 Heard counsel for the petitioners and the State.

A counter affidavit has been filed on behalf of respondent
no.5. No counter affidavit has been filed on behalf of the private

respondent(s).

The three petitioners herein prayed for quashing of the order dated 13.09.2010 passed by the District Teachers Employment Appellate Authority, Nawada (for short 'the Authority') in Case No. 296-II/10. The private respondents herein approached the Authority for setting aside the entire selection made by the Selection Committee of the concerned Gram Panchayat. So far as the petitioners are concerned, an allegation was levelled that they were considered and appointed without there being experience certificate(s) issued by the Mass Education Officer and the District Superintendent of Education with respect to their training under the Literacy Mission.

The contention of the petitioner is that furnishment of those certificates is not the requirement under Rule. The order is completely non speaking. It does not appear therefrom that the petitioners were issued notices and afforded an opportunity of hearing. Relying on the order dated 14.02.2012 passed in CWJC No. 19055 of 2010 it has been submitted that three others teachers who were appointed by the Selection Committee in the selection process moved this Court challenging the correctness of the said order passed by the Authority wherein this Court having held that the order pass by the Authority was non speaking quashed the



impugned order passed by the appellate authority and the consequential order passed by the Panchayat Secretary terminating the services of the petitioners. The appeal was remitted back to the appellate authority to examine all records and after affording hearing to the parties pass a fresh order in accordance with law. A web copy of the said order has been handed in by the learned counsel for the petitioners which is taken on record and marked 'Y' for identification.

Counsel for the State, on the other hand, referring to the statements made in the counter affidavit states that the Panchayat Secretary is the custodian of all documents. The respondent is not associated with such appointment(s).

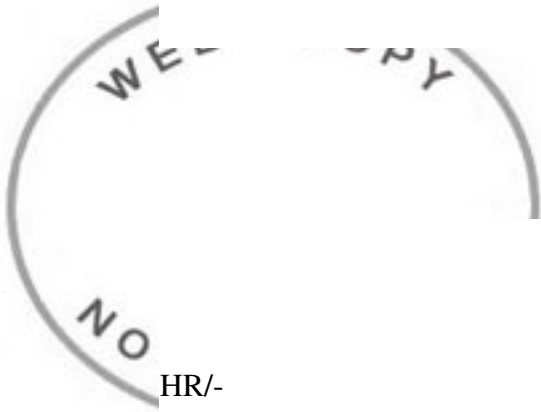
Having heard the parties, this Court finds that the writ application being CWJC No. 19055 of 2010 was filed by three other persons who were similarly appointed as Panchayat Teachers by the Selection Committee of the Gram Panchayat. From the order which has been placed for perusal of this Court passed in CWJC No. 19055 of 2010 it appears that this Court on the ground stated therein set aside the order dated 13.09.2010 passed by the Authority as well as the consequential order passed by the Panchayat Secretary terminating the services of those petitioners and the appeal was restored on the file of the Authority

for passing a fresh order in accordance with law but after hearing both the parties and going through the relevant records.

Regard being had to the aforesaid, this Court is satisfied that the present case also merits to be allowed. The order passed by the Authority dated 13.09.2010 in so far as it relates to the petitioners is quashed and set aside. The consequential order dated 04.05.2011 passed by the Panchayat Secretary as contained in Annexure-10 to I.A. No.4103 of 2011 is also quashed and set aside. The appeal is restored on the file of the Authority for passing a fresh order in accordance with law but after hearing both sides. Be it noted that this Court considering the observation made in the impugned order has noticed the stand of the petitioner(s) that petitioners had filed certificate(s) showing their training under the Literacy Programme/Mission issued by the Secretary-cum-Coordinator Block Literacy Committee, Kawakole, Nawada, countersigned by the Secretary District Literacy Committee, Nawada and further that filing of such certificate(s) is not the legal requirement for appointment of Panchayat Teacher. It is expected that the Authority will consider the aforesaid stand of the petitioners.

Considering the fact that the petitioners are out of job this Court directs that the authority will endeavour to dispose of the

proceeding as quickly as possible preferably within three months
from the date of receipt/production of a copy of this order.



(Kishore Kumar Mandal, J)

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