

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11737 of 2013

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1. Supriya Kumari W/O Raju Kumar Tiwari And D/O Ravindra Tiwari R/O Village
+ P.O. Nonfarwa, P.S. Patahi, District - East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna
3. The Director Primary Education, Bihar, Patna
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur
5. The District Magistrate, East Champaran at Motihari
6. The Education, Education Officer, East Champaran, Motihari
7. The Mukhiya - Cum - Chairman, Panchayat Employment Committee, Gram Panchayat Raj, Nonfarwa, P.S. Patahi, District - East Champaran
8. The Panchayat Secretary, Gram Panchayat Raj, Nonfarwa, P.S. Patahi, District - East Champaran
9. Ratna Kumari D/O Harendra Singh And H/O Amarendra Kumar Om Prakash, S/O Birendra Kumar Singh R/O Village - Nonfarwa, P.S. Patahi, District - East Champaran, At Present Village - Basahiya Ram, P.O. Fatehpur, District - Sheohar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabakar Tekriwal
Mr Manindra Kishore Singh
For the State : Dr Raj Kumar Singh, AC to SC 8
For Respondent No.8 : Mr Dilip Kumar Tandon

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-01-2015

Heard counsel for the petitioner, counsel for the
private respondent and the State.

The petitioner assails Annexure- 6 dated 20.5.2013,
which is an order of the District Teachers Employment Appellate
Authority, East Champaran at Motihari passed in Case No.321 of
2008 on the ground that no candidate is entitled to 20% marks
over and above the percentage of marks worked out while



preparing the merit list. A candidate is entitled to 20 marks and not 20% marks. The Tribunal or the Panchayat has obviously committed a mistake which is in teeth of a Division Bench decision rendered in the case of ***Chhotelal Chaudhary vs. the State of Bihar, reported in 2014 (3) PLJR 606.*** The Court after considering provisions, the rules etc. has very clearly laid down that it is 20 marks, which is required to be added to the total and not 20% marks over and above the percentage so calculated. If any candidate has been given weightage of 20% in the garb of 20 marks then obviously it is an erroneous and an unacceptable weightage in favour of a candidate which is not envisaged in terms of the provisions.

Learned counsel further submits that the certificate based on which the private respondent no.9 was given weightage is also a fraud and fraudulent certificate which is also significant because if that is so, not only the conduct of the petitioner has not been fair in matter of the selection and she has tried to draw undue advantage of a fraudulent act but she will not even be entitled to 20 marks much less 20% of marks.

In view of the same, the impugned order insofar as it relates to the private respondent no.9 stands quashed. In view of the quashing of the order of the Tribunal, the Gram Panchayat is

directed to take appropriate remedial measure in favour of the petitioner.

Writ is allowed.

(Ajay Kumar Tripathi, J)

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