

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6979 of 2014

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1. Sudha Rani Wife of Arvind Kumar Singh Daughter Of Kameshwar Singh.
Resident of Village - Ami, P.O. - Ami, P.S. - Dighwara, District - Saran (Bihar).

.... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Saran at Chapra.
4. The District Education Officer, Saran at Chapra.
5. The Block Development Officer, Dariyapur, Saran.
6. The Block Education Extension Officer, Dariyapur, Saran.
7. The Mukhiya of Panchayat Raj Sajjanpur, Matihan, Dariyapur, Saran.
8. The Panchayat Secretary, Panchayat Raj, Sajjanpur, Matihan, Dariyapur, Saran.
9. The Headmaster of Primary School Bhairapur, Dariyapur, Saran.
10. The District Teachers Employment Appellate Authority, Saran at Chapra.
11. Kiran Kumari Daughter Of Bashisth Narayan Singh Resident Of Village - Ranipur, P.O. - Khanpur, P.S. - Dariyapur, District - Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr. Sanjay Prasad, AC to AAG 6
Mr Pramod Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-06-2016

Petitioner filed the present writ application challenging the decision of the District Teachers Employment Appellate Authority, Saran at Chapra passed in Case No.18 of 2010, the date of the order being 23.9.2010. In the impugned order contained in Annexure- 5, the grievance raised by one Kiran Kumari, who is respondent no.11 in the present writ application, was that her right for consideration and appointment despite having higher marks was killed by the Panchayat and the present petitioner was appointed for

extraneous reasons.

The reason for assailing Annexure- 5 is yet another order passed by the Tribunal contained in Annexure- 6. Submission of the counsel for the petitioner is that the Tribunal has been taking inconsistent views of identical kind of facts. Therefore, the reason assigned by the Tribunal in Annexure- 5 is vulnerable and is required to be revisited, if not quashed.

Since private respondent no.11 was the beneficiary of the order contained in Annexure- 5, notice was issued upon her. She has appeared and is represented through a counsel. Counsel for the State as well is present but as usual, the assistance is lacking. No affidavit or inputs has been provided by the State.

Counsel for respondent no.11 produces two orders, which have relevance and significance in adjudication of the present writ application. One order is dated 11.5.2012, which was passed in CWJC No.19784 of 2011. A reading of the said order would indicate that the same petitioner, who has filed the present writ application, had earlier assailed Annexure-5 and this Bench after a detailed hearing, had dismissed the writ application for the reasons assigned therein refusing to interfere with the order of the Tribunal.

The other order is an order dated 6.8.2012, which has been passed in LPA No.1098 of 2012. This LPA was again filed by the petitioner against the order passed in CWJC No.19784 of 2011.

The Division Bench upheld the order of the learned Single Judge by dismissing the appeal.

If this is the position in fact, which cannot be disputed, obviously the petitioner is trying to overreach the High Court by a kind of innovation by finding inconsistencies in the orders passed by the Tribunal. Such innovations are neither appreciable nor can be supported in law for a ground for entertaining yet another writ application against an order, which has already been held to be valid and correct right up till Division Bench.

In view of the same, the present writ application is dismissed. A cost of Rs.25,000/- (Twenty five thousand) is imposed upon the petitioner with a direction that the said cost will be deposited with the Patna High Court Leal Services Committee within a period of four weeks. If the petitioner fails to deposit that amount within four weeks, the Court will not only take the petitioner into judicial custody but will also invoke its power to realize the said amount from her.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	24.6.2016
Transmission Date	