

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.198 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 18281 of 2013

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Mukesh Kumar S/O Ram Ekbal Rai, Resident of Village + P.O. Beldaur Ramnagar,
P.S. Pupri, Distt. - Sitamarhi

.... Appellant/s

Versus

1. The State of Bihar Through The Principal Secretary, Department Of Education, Govt. Of Bihar, Patna
2. The Director, Department Of Primary Education, Govt. Of Bihar, Patna
3. The Regional Deputy Director Of Education, Sitamarhi
4. The District Magistrate, Sitamarhi
5. The District Education Officer, Sitamarhi
6. The District Programme Officer (Establishment), Sitamarhi
7. The Block Education Officer, Pupri, Distt. - Sitamarhi
8. The Block Development Officer, Pupri, Distt. - Sitamarhi
9. The Mukhiya, Gram Panchayat Raj Bhitta, Dharampur, Block - Pupri, District - Sitamarhi
10. The Panchayat Secretary, Gram Panchayat Raj - Bhitta Dharampur, Block - Pupri, Distt. - Sitamarhi
11. The District Teachers Appointment Appellate Tribunal, Sitamarhi Through Its Member
12. Rajeev Kumar S/O Harendra Rai Resident Of Village + P.O. Dhamdhi, P.S. Nanpur, Distt. - Sitamarhi

.... Respondent/s

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Appearance :

For the Appellant/s :	Mr. Rajendra Prasad Singh, Sr. Advocate Mr. Mukesh Kumar Singh, Mr. Jitendra Kumar
For the State :	Dr. Anshuman Singh, SC 14 Mr. Kuber Pathak, AC to SC 14
For Respondent no. 12:	Mr. Tej Bahadur Singh, Sr. Advocate Mr. B S Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 27-06-2016

The order passed by the learned Single Bench on 23rd

October, 2013 in CWJC No. 18281 of 2013 is the subject matter of

challenge in the present Letters Patent Appeal. By the said order, the learned Single Bench has dismissed the writ petition challenging the order dated 19th August, 2013 passed by the District Teachers Employment Appellate Tribunal, Sitamarhi.

Respondent no. 12 challenged the appointment of the appellant before the District Teachers Appellate Tribunal claiming his appointment to the post of Panchayat Teacher as Backward Class candidate in the Gram Panchayat Raj Bhatta Dharampur, Block – Pupri in the District of Sitamarhi. His grievance was that in addition to the qualifying marks of 62.66 he got additional weightage of 20 marks. His total marks come to 82.66. Therefore, he is more meritorious than the appellant who has got 63.33 marks. The learned Tribunal accepted the appeal and set aside the appointment of the present appellant. Challenge to the said order of the Tribunal remained unsuccessful before the Single Bench. Still aggrieved, the appellant is before this Court.

Mr. Tej Bahadur Singh, learned Senior Advocate for respondent no.12, at the outset submitted that respondent no.12 is no more interested for his appointment as Panchayat Teacher in Gram Panchayat Raj Bhatta Dharampur, Block - Pupri, in the District of Sitamarhi as he has since been appointed in another Panchayat. The learned State Counsel has also no objection if the appellant is allowed

to continue as Panchayat Teacher consequent to withdrawal of the claim of respondent no.12 against appointment of the present appellant.

In view of the fact that respondent no.12 has given up his challenge to the appointment of the present appellant to the post of Panchayat Teacher, the order passed by the learned Single Bench is set aside.

As a consequence, this appeal is allowed. The orders passed by the learned Single Bench in CWJC No. 18281 of 2011 as well as by the Appellate Tribunal are set aside.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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