

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1366 of 2014

IN

Civil Writ Jurisdiction Case No. 1324 of 2014

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Puja, daughter of Dukhan Ram, wife of Sanjai Kumar, resident of village Rampur, Post Office Sona Gopalpur, P.S.- Gourichak, District Patna.

.... Appellant

Versus

1. The State of Bihar
2. The District Teachers Employment Appellate Tribunal, Patna through its Secretary.
3. The Secretary, District Teachers Employment Appellate Tribunals, Patna
4. The District Magistrate, Patna
5. The District Education Officer, Patna
6. The District Programme Officer, Patna
7. The Block Development Officer, Sampatchak Block, District- Patna
8. The Block Education Extension Officer, Sampatchak Block, District- Patna
9. The Gram Panchayat, Chipura, District- Patna, through its Secretary.
10. The Mukhia, Chipura Gram Panchayat, District- Patna.
11. Panchayat Secretary, Chipura Gram Panchayat, District- Patna.

.... Respondents

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Appearance :

For the Appellant : Mr. Sanjay Kumar Verma, Advocate
Mr. Bijay Bihari Sinha, Advocate

For the State : Mr. Jai Prabhat Kishore, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 11-01-2016

The present appeal under Clause 10 of the Letters Patent has been filed against judgment and order dated 16.05.2014 passed in C.W.J.C. No. 1324/2014 by learned Single Judge of this Court.

The facts are not in dispute. The petitioner,



pursuant to advertisement issued for appointment of Panchayat Teacher, apart from others, applied. She was duly selected and appointed. It appears that one Nita Kumari who had not been selected filed an application before the District Teacher Employment Appellate Tribunal, Patna, claiming that one Nitu Sinha had been wrongly appointed and if her appointment was set aside then Nita Kumari would be deemed to be selected. While the matter was pending before the Tribunal, the Tribunal called for the records and started a roving inquiry, but then, without notice to any party or without there being any other complaint. The Tribunal held that the entire selection process was vitiated and set aside the entire selection process of all the Panchayat Teachers in relation to the said Panchayat. The appellant and others came to this Court challenging the decision of the Tribunal, *inter alia*, on the ground that they not being party to any proceeding before the Tribunal, their appointment could not have been set aside by the Tribunal. This Court, in the said writ petition, set aside the order of the Tribunal and remanded the matter to the Tribunal for consideration in accordance with law.

The matter was then taken up by the Tribunal and the Tribunal once again set aside the entire selection

process and directed for fresh selection process to be undertaken. The writ petitioner being aggrieved filed the aforesaid writ petition being C.W.J.C. No. 1324/2014, which has been noted above was dismissed vide judgment dated 16.05.2014. Hence, the present Intra-Court Appeal.

We have heard learned counsel for the appellant and learned counsel for the State and with their consent this appeal is being disposed of at this stage itself.

Learned counsel for the appellant submits that in terms of Rule 18 of the Bihar Panchayat Teachers (Recruitment and Service Condition) Rules, 2006, and in particular Rule 18 thereof, Tribunal is a statutory body and has a limited jurisdiction, though it is named as District Teachers Employment Appellate Tribunal, and in terms of Rule 18 an appeal lies to it. In fact, it is a Tribunal of original jurisdiction and there is no appeal in the sense of appeal from one authority to another. It is a Tribunal of limited jurisdiction entertaining appeals for justice. The word 'appeal' is used in that sense. He further submits that it being a statutory Tribunal of limited jurisdiction and not exercising power of superintendence or any inherent powers, its jurisdiction or exercise thereof is limited to the complaint filed before it. Again, we may clarify that





complaint is not an appeal for justice in the present context. While entertaining a complaint or a grievance, its jurisdiction is limited to what is complained against. It cannot undertake a roving inquiry into all aspects of the matter connected or unconnected with the complaint, it has no power of superintendence. Thus, when Nita Kumari filed a complaint/appeal before it, challenging the selection of Nitu Sinha, the jurisdiction of Tribunal was restricted to this inter-party dispute. The Tribunal, on its own, could not enlarge on its own jurisdiction to become supervisory authority over the entire selection process and pass judgment thereon. Any judgment, which was to be rendered by the Tribunal, was restricted to the *lis* inter-party.

In that view of the matter, the Tribunal lacked jurisdiction to enquire into the selection process and set it aside and the learned Single Judge was not correct in upholding the order of the Tribunal ignoring this aspect of the matter.

We have given serious consideration to the said aspect and submission. In our view, the submission as made on behalf of the appellant is correct. The Tribunal in terms of Article 18 of the Constitution is a creature of the



statute. Its jurisdiction and power is confined to appeals made to it and therefore confined to the four corners of the complaint. It has neither power of superintendence nor any inherent power to do justice. Its power is limited to resolve the *inter se* dispute between the parties. It is a court of limited jurisdiction in that sense. Thus, when a person appeals with a grievance, then the jurisdiction of the Tribunal is limited to the four corners of the grievance and the Tribunal has no inherent power of superintendence or any *suo motu* power to invoke any jurisdictional matter related to the *lis* inter-party. Thus, where Nita Kumari challenged the selection of Nitu Sinha, the Tribunal had to decide the said dispute and could not have travelled beyond that, with or without notice to others. The Tribunal has no power of superintendence, neither is a prosecutor, nor it has any inherent power, or, can invoke any *suo motu* power to enquire into any other matter.

To illustrate this, let us assume in a case where selection has been made, but no one has appealed to the Tribunal. Can the Tribunal on coming to know from Newspapers or otherwise *suo motu* vitiate any proceedings? The obvious answer would be no. The reason is that there is no inherent power in the Tribunal. The Jurisdiction to

correct the wrongs committed is dependent upon an appeal filed and has to be limited to the confines of the appeal, it being a Tribunal of limited jurisdiction.

Thus, in a matter of dispute between Nita Kumari and Nitu Sinha, the Tribunal could only decide that *lis* and not beyond that. Thus, in our view, the Tribunal erred and acted wholly without jurisdiction to hold a roving inquiry and then to hold that the entire selection process stood vitiated. That was never being challenged before the Tribunal. The Tribunal did not acquire any jurisdiction in the matter.

Thus, we have no hesitation to hold that the order of the Tribunal setting aside the entire selection process and non-interference in that matter by the learned Single Judge, the order of the Tribunal and the order of the learned Single Judge are set aside.

This appeal is, accordingly, allowed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

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