

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7760 of 2013

Shawana Parvin W/o Md. Asgar Zamal, resident of village - Khajuri, P.O. and
P.S. Khajuri, Rahika Block, District – Madhubani. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The District Magistrate, Madhubani
5. The District Education Officer, Madhubani
6. Block Education Officer, Rahika, Madhubani
7. Mukhiya, Khajuri Gram Panchayat, Rahika Block, Madhubani
8. Panchayat Secretary, Khajuri Gram Panchayat, Rahika Block, Madhubani
9. Md. Ahsan Respondent/s

Appearance :

For the Petitioner/s : M/s Abhinav Raj and Gagandeo Yadav
For the Respondent/s : M/s Vishwanath Pd. Singh and Yugal Kishore
M.K. Sinha, SC-1, S.K. Karn, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-05-2016

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

In the present case, the petitioner is seeking relief of
giving direction for implementation/execution of the order dated
26.03.2011, by which the Appellate Tribunal has directed to appoint
the petitioner against the post meant for the Urdu Teacher.

As per the stand of the private respondent as well as
the State, the order has been obtained behind back of the persons who
were appointed by the Panchayat Unit without giving any notice to
them, so much so that there was no vacancy for the post of Urdu

Teacher, which has not been denied by the petitioner and as such, the question of her appointment against that vacancy does not arise.

This Court cannot give any direction for implementation of the order of the Tribunal on two reasons, one reason is that the petitioner has not impleaded necessary party before the Tribunal is nothing, but nullity and second point, which petitioner has not denied, she applied for the post of Urdu Teacher, admittedly, the post of Urdu Teacher was not available, so on both counts, this Court cannot give direction for implementation of the order. However the petitioner, if so advised, may file a fresh/properly constituted appeal before the Tribunal and if such appeal is filed, the Tribunal will act in accordance with law.

With the above observation/direction, this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	/NAFR
CAV DATE	
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