

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7138 of 2013

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1. Akhilesh Kumar Singh, Son of Shri Mul Chand Singh, resident of Village- Megha, Post - Kuari, P.S. Kursakanta, District – Araria.
 2. Sanjay Kumar, Son of Shri Raghunath Prasad Singh, resident of Village and Post - Kuari, P.S. Kursakanta, District - Araria

.... Petitioners

Versus

1. The State of Bihar Represented Through the District Magistrate, Araria.
2. The District Education Officer, Araria.
3. The District Programme Officer (Establishment), Araria.,
4. The Sub Divisional Officer, Araria,
5. The Block Development Officer, Kursakanta, Araria,
6. The Gram Panchayat Raj, Kuari, P.S. Kursakanta, District – Araria, tepresented Through Its Panchayat Secretary,
7. The District Teachers Employment Appellate Authority, Araria Represented Through Its Member In Administrative Side.
8. Soni Kumari, D/O Shri Suresh Paswan Resident Of Village - Kuwari, P.S. And Block Kursakanta, District - Araria
9. Kiran Kumari, D/O Shri Umesh Chandra Rai, Resident of Village - Kuwari, P.S. And Block Kursakanta, District - Araria
10. Jyoti Kumari, D/O Shri Ramchandra Prasad Gupta Resident of Village - Kuwari, P.S. And Block Kursakanta, District - Araria
11. Minakshi Gupta, D/O Late Amal Chandra Gupta Resident of Village - Kuwari, P.S. And Block Kursakanta, District - Araria
12. Sunita Gupta, W/O Surendra Kumar Goswami, resident Of Village - Kuwari, P.S. And Block Kursakanta, District - Araria
13. Surendra Prasad Yadav Son Of Shri Mahabir Yadav Resident Of Village - Bishanpur, P.O. Kuwari, Anchal And P.S. Kursakanta, District - Araria
14. Rabindra Kumar Jha, Son of Mathuranand Jha Resident of Village – Rahatmina.
15. Parsuram Singh, Son Of Late Haldhar Singh Resident Of Village - Katfar, P.S. And Block Kursakanta, District - Araria

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Respondent/s : Mr. Anil Kumar Upadhyay, .S.C.-2
For the Private Respondent: Mr. Alok Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-10-2016

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Private respondent.

2. In this case, the petitioners are challenging the order dated 11.11.2012 passed in Case No.18 of 2010 by the District Teachers Appointment Appellate Authority, Araria, whereby the Appellate Authority has refused to proceed with the matter with respect to the appointment of Panchayat Teacher of Gram Panchayat Raj Kuari, Kursakanta, District- Araria.

3. As per the claim of the petitioners, they have applied for the post of Panchayat Teacher of the aforesaid Panchayat, but wrongly been deprived from being appointed to the post of Panchayat Teacher. Against the action of the respondents, they approached the Block Development Officer, Kurshakanta, District- Araria. The Block Development Officer vide order dated 06.12.2007 cancelled the entire appointment of Panchayat Teacher



and directed for fresh counseling. The aforesaid order was challenged before this Court in C.W.J.C. No.1196 of 2008 and the same was allowed on 17.09.2009, thereby the Court has directed the petitioners to approach the appellate authority. In pursuance thereof, an appeal was filed before the appellate authority, which was registered as Case No.18 of 2010. The Appellate Authority, vide order dated 11.11.2012 rejected the appeal without considering the merit of the case.

4. Learned counsel for the petitioners submits that when the matter was remanded back, the Appellate authority was required to examine the case on merit and was required to go in deep, but cursorily without giving any proper reason rejected the appeal.

5. On perusal of the order of the appellate authority, it appears that the appeal has been rejected as one of the objectors has withdrawn the case as he was appointed in another Panchayat. The appellate authority has recorded that it does not have any knowledge about the objection of Sanjay Kumar Singh, Akhilesh Singh and Baljit Kaur and their addressed were also not available. In such circumstances, the Tribunal has refused to proceed with the matter and closed the case.

6. The order of the Tribunal does not satisfy the parameters of quasi judicial proceeding as it was required to examine the case of the parties and should have given a proper finding on its merit, which the Tribunal has not done. In such circumstances, the order of the Appellate Authority dated 11.11.2012 passed in Case No. 18 of 2010 is hereby set aside and the matter is remanded back to the Tribunal with a direction that it should decide the case on merit after giving notice to the concerned parties. As this case is very old, the Tribunal is directed to complete the entire exercise within a period of six months from the date of receipt/ production of a copy of this order.

7. With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	20/10/2016
Transmission Date	