

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.472 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 435 of 2013**

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Manoj Kumar Sharma, Son of Prem Sagar Sharma, Resident of Village Chaksalem,
P.O. And P.S.- Patori, District- Samastipur

.... Appellant/s

Versus

1. The State of Bihar
2. The District Education Officer, Samastipur
3. The Block Education Officer, Mohiuddinagar, P.O. And P.S.- Mohiuddinagar,
District Samastipur
4. The District Teacher Employment Appellate Authority, Samastipur, Through Its
Member

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prashan Wibhaw
For the Respondent/s : Mr. Aditya Nath Jha, SC 18

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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: 04-08-2016

The challenge in the present Letters Patent Appeal is to an order dated 2nd January, 2014, passed by the learned Single bench of this Court, whereby the writ application filed by the appellant seeking appointment to the post of Panchayat Teacher remained unsuccessful.

The learned District Teachers Employment Appellate Tribunal, Samastipur, in its order dated 30th December, 2012 held that the appellant should have demonstrated that anyone having lesser marks has been appointed in the second phase of appointment in the category for which he was an applicant. It has also been observed that

the second phase of appointment of teachers had already been closed on 31.12.2010.

Since no person junior to the appellant has been appointed, therefore, no right of the appellant can be said to have been violated which may entitle him for any indulgence in this appeal.

We do not find any error in the order of the learned Single Judge which may warrant any interference in the present Letters Patent Appeal.

The appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

mrl

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