

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7723 of 2013

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1. Ashok Kumar Mukhia S/O Sri Mahanth Mukhia R/O Village- Beytauna, P.S.
And P.O.- Benipatti, District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Chief Secretary Government Of Bihar, Old Secretariat, Patna
2. The Principal Secretary Null Department Of Human Resources, Government Of Bihar, Patna
3. The Director, Primary Education, New Secretariat, Patna
4. The District Magistrate, Madhubani
5. The District Education Officer, Madhubani Null Null
6. The Block Development Officer, Bisfi Block, District- Madhubani
7. The Block Education Extension Officer Bisfi Block, District- Madhubani
8. Panchayat Sachiv, Gram Panchayat Jagwan East, Bisfi Block, District- Madhubani
9. Mukhia, Gram Panchayat Raj Jagwan Purvi, Bisfi Block, District- Madhubani
10. Dash Kha Jani S/O Md. Shamshad Alam R/O Village- Bardha, P.O.- Bardaha Via Kamtaul, P.S.- Bisfi, District- Madhubani
11. Sonfi Sahni S/O Ram Chandra Sahni R/O Village- Kataiya, P.O.- Jagwan Via Kamtaul, P.S.- Bisfi, District- Madhubani
12. Ram Pramod Sahni S/O Ram Bihari Sahni R/O Village- Palli, P.O.- Pallu, P.S.- Benipatti, District- Madhubani
13. The District Teacher Appointment Appellate Authority, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Singh, Advocate
For the Respondents (1-7)	:	Mr. Shailesh Kumar, AC to GP-5
For the Pvt. Respondent (11)	:	Mr. Gagandeo Yadav, Advocate
For the Pvt. Respondent (8-9)	:	Mr. Mukund Mohan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-08-2016

Heard learned counsel for the petitioner, learned counsel
for the private respondents and learned counsel for the present
Panchayat Secretary.

In the present case, the petitioner is challenging the



order dated 27.11.2012, arising from Appeal Case No. 173/06/11, relates to the appointment of first phase of Panchayat Teacher for Panchayat Raj Jagban East, Bisfi Block, District-Madhubani. The Tribunal has rejected the aforesaid appeal on the ground that he did not get proper assistance from the Panchayat Secretary as well as from the District Magistrate as the Tribunal repeatedly directed for the production of original records but the same was not complied with.

The Tribunal dismissed the appeal of the petitioner which is completely illegal and not sustainable, in view of the fact that for the act of the respondent, the present petitioner should not have been put to peril as nowhere the order-sheet discloses that the Tribunal has not cooperated in disposal of the petition but as because the then Panchayat Secretary did not cooperate, on that ground alone, the appeal has been dismissed.

The Tribunal has not decided the case on merit.

In such view of the matter, the order dated 27.11.2012, arising from Appeal Case No. 173/06/11 is hereby set aside. The Tribunal is directed to decide the case on merit and the present Panchayat Secretary is also directed to produce the original records before the Tribunal, failure to produce the same, it will be treated to a Contempt of Court and this Court may directly initiate a

departmental proceeding against the present Panchayat Secretary.

The District Magistrate, Madhubani, is also directed to initiate a departmental proceeding against the then Panchayat Secretary, who was posted at that relevant time.

With the above observations and directions, this application is disposed of.

The Tribunal is also directed to complete the process within a period of six months from the date of production of this order.

(Shivaji Pandey, J)

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