

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7232 of 2011

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Raman Kumar Mishra, son of Sri Bidyanand Mishra, resident of village-
Mirzapur Jagani, P.O. Rampura, P.S. Singhwara, District-Darbhanga
..... Petitioner

Versus

1. The State of Bihar , through the Principal Secretary-cum-Commissioner, Human Resources Development Department, Govt. of Bihar, Patna
2. The Director, Secondary Education, Human Resources Development Department, Govt. of Bihar, Patna
3. The Member, District Teacher Employment Appellate Authority, Buxar, District- Buxar
4. The District Magistrate, Buxar, District-Buxar
5. The Deputy Development Commissioner, Buxar, District-Buxar
6. The District Education Officer, Buxar, District-Buxar
7. Mr. Om Prakash S/O Not known to the petitioner through the Deputy Development Commissioner, Buxar

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Respondent/s : Mr. Pankaj Kumar, SC-12

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

12 10-08-2016

Heard Sri Mritunjay Kumar, learned counsel for the petitioner and Sri Pankaj Kumar, learned Standing Counsel no.12.

The petitioner has approached this Court, invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to quash the order, contained in Memo No.1024 dated 09.12.2010 passed by the District Teacher Employment Appellate Authority, Buxar in Appeal Case no.24/2010. By the said order, the appeal preferred by the petitioner for his selection as Librarian in Secondary School in the district of Buxar was

rejected.

In the present writ petition, in sum and substance, a claim has been made that on the date of counselling, one candidate, namely, Priyadarshini Kumari was not present. However, she was allowed to participate in the counseling on the very next date, which was not permissible. However, it has not been disputed that petitioner's name was at Serial no.13, who was called for counseling for the purposes of appointment on the post of Librarian, whereas Priyadarshini Kumari was at Serial no.12. In the order impugned, it has specifically been mentioned that on the basis of statement of Respondent and on perusal of the concerned register, it is evident that the concerned lady had participated in the counseling on the same day. The dispute, which is being raised by the petitioner that she did not participate on the same day, may not be looked into by this Court, while exercising writ jurisdiction, particularly in view of the fact that before the appellate authority, concerned Register was produced and after noticing the same, the appellate authority has come to the conclusion that she had participated on the same day.

In view of the fact that the concerned lady is having higher rank than the petitioner, there is no reason to interfere with the impugned order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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