

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7768 of 2014

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1. Jitendra Kumar Son of Rajbali Prasad.
 2. Dhup Narayan Prasad Son of Mahendra Prasad
Both resident of village + P.O. Moriyani, P.S. Panapur, District – Saran.

.... Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Education Officer, Saran, Chapra
5. The District Programme Officer (Establishment), Saran at Chapra
6. Block Education officer, Panapur, Saran
7. The District Teacher Employment Appellate Authority, Saran
8. The Mukhiya, Gram, Panchayat Raj Bhorha, Panapur, Saran
9. The Panchayat Secretary, Gram Panchayat Raj Bhorha, Panapur, Saran

.... Respondents

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Appearance :

For the Petitioners : Mr. Ashok Kumar Mishra, Advocate
For the State : Mr. Arbind Kumar No.2, S.C.17

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-05-2016

Heard counsel for the petitioners and the State.

Petitioners have filed the present writ application against the order passed by the District Teachers Employment Appellate Authority, Saran at Chapra. The order impugned is dated 13.07.2013.

Admitted position is that against the 2008 vacancies, though the process was initiated in the Gram Panchayat concerned but no appointments came to be made on the ground that the entire documents relating to such appointment got looted by some criminal elements for which even a police case was instituted. Pending

investigation, no appointment could proceed and now much time has elapsed since 2008. The Rules have also undergone a change with regard to such appointment. The expectation of the petitioners of some action or decision cannot become the basis for a direction now for any appointment to be made of the claimants, when the position cannot be verified.

The tribunal has also rejected the claim on the ground of delay as well as the fact that the State Government has now put an embargo against such appointments against such vacancies. Besides no person can be appointed on the post of a teacher much less Panchayat teacher if the person does not pass the Teachers Eligibility Test.

In view of the above, the impugned order contained in Annexure-1 does not require any interference. Writ is dismissed.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
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