

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6074 of 2011

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Rani Gupta Wife Of Ratan Kumar Sah Resident Of Village - Hari Ganj
Chawk, Katihar, P.S. And District - Katihar

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Human Resources Development, Government Of Bihar, Patna
2. The Director, Primary Education, Government Of Bihar, Patna
3. The District Magistrate, Katihar
4. The Deputy Development Commissioner, Katihar
5. The District Superintendent Of Education, Katihar
6. The Block Development Officer, Pranpur Block, District - Katihar
7. The Block Education Extension Officer, Pranpur Block, District - Katihar
8. The Mukhiya, Kebala Gram Panchayat, Pranpur Block, District - Katihar
9. The Panchayat Secretary, Kebala Gram Panchayat , Pranpur Block, District - Katihar
10. The Member, The District Teachers Employment Appellate Authority, Katihar
11. Tabassum Parween Daughter Of Syed Didor Tamanna Resident Of Village - Trimohani, P.O.- Amdabad (Barbarganj) P.S.- Amdabad, District - Katihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda

For the Respondent/s : AC to GA 9

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

9 05-07-2016 Heard Sri Satish Chandra Mishra, learned counsel, who was assisted by Mr. Md. Nurul Hoda, learned counsel for the petitioner and learned AC to GA No. 9.

The petitioner, invoking writ jurisdiction of this court under Article 226 of the Constitution of India, has made a prayer

for quashing of an order dated 15.5.2009 (Annexure -16) whereby the District Teachers Employment Appellate Authority, Katihar has rejected the appeal preferred by the petitioner i.e. Appeal Case No. 695 of 2009.

The petitioner claims that she was required to be appointed as Panchayat Teacher in place of respondent no. 11 namely, Tabassum Parween. It has been argued that the appointment of Tabassum Parween/ respondent no. 11 was already cancelled by the Block Development Officer, Pranpur and as such, the District Teachers Employment Appellate Authority was not having any authority to pass an order for restoring her appointment whereas on examining the record particularly the impugned order it is evident that petitioner had claimed appointment in the B.C. category whereas the respondent no. 11 was appointed against a post reserved for disabled person and in the category of the petitioner one another person having higher marks than the petitioner was accommodated.

Keeping in view the fact that petitioner had claimed her appointment in the category other than her own category the learned District Teachers Employment Appellate Authority has rightly not entertained the appeal preferred by the petitioner. I do

not find any error in the order of the District Teachers
Employment Appellate Authority.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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