

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6617 of 2014

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1. Krishan Lal Mandal Son Of Late Shyam Lal Mandal R/O Village - Kuari - Beltoli, P.O. - Matiari, Via Bahadurganj, P.S. - Tehragachh, District - Kishanganj
2. Monazir Alam Son Of Satanu Resident Of Village Kastkharra, Babhangama, P.O. - Matiari, Via - Bahadurganj, P.S. - Tehragachh, District - Kishanganj
3. Kamlesh Prasad Sah Son Of Prem Chandra Sah R/O Village - Belsari, P.O. Balua Kaliaganj, Via - Madanpur, P.S. - District - Araria

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Education Department
2. The Secretary-Cum-Commissioner, Education Department Government Of Bihar, Patna
3. The Director, Primary Education, Government Of Bihar, Patna
4. The District Magistrate, Kishanganj
5. The District Superintendent Of Education, Kishanganj
6. Block Development Officer-Cum-Appellate Officer, (Panchayat Primary Teacher Niyojan) Tehragachh, District - Kishanganj.
7. The Block Education Extension Officer, Kishanganj.
8. The Panchayat Secretary, Panchayat Raj Chilahania, Panchayat, P.S. - Tehragachh, District - Kishanganj.
9. The Mukhiya Of Chilahania, Gram Panchayat Tehragachh Block, District - Kishanganj
10. Alok Kumar Teacher Newly Created Primary School Kharra Under Chilahania Gram Panchayat, Tehragachh, District - Kishanganj.
11. Adil Akhtar Son Of Abu Sayeed Primary School Teacher Gram Panchayat Chilahnia, Tehragachh, District - Kishanganj.
12. Arshad Rabbani Son Of Habibur Rahman Gram Panchayat Chilahnia, Tehragachh, District - Kishanganj.
13. Surendra Kumar Chaudhary, Panchayat Teacher Primary School Khari Tola, Chainpur, Gram Panchayat Chilahnia, Tehragachh, District - Kishanganj.
14. Suryanand Mandal, Teacher Primary School Pankhabari, Gram Panchayat Chilahnia, Block - Tehragachh, District - Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena
For the Respondent/s : Mr. Md. N. Hoda Khan

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-12-2016

Heard counsel for the petitioner, counsel for the
private-respondents and counsel for the State.



The private-respondents were restored to their position and post by virtue of a judicial order, dated 06.02.2009, passed by the High Court, a copy of which is Annexure-1 to the writ application.

If by virtue of this order, the petitioners of this writ application were put back, then remedy for the petitioners would have been to either seek review of Annexure-1 or go in appeal to Annexure-1.

The tribunal, therefore, has rightly rejected the claim of the petitioners, refusing to entertain any grievance, because tribunal has no power to sit in appeal of the Hon'ble High Court's order. Even otherwise, such disputes are now remained academic, because no person can be appointed as a Teacher in the State of Bihar, unless he passed the Teacher's Eligibility Test (TET).

In view of the aforesaid facts and circumstances, writ application is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	16.12.2016
Transmission Date	

