

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7481 of 2014

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1. Babita Kumari D/o Chandeshwar Yadav, W/o Saroj Kumar Kaibar resident of village + P.O. Suggapatti, P.S. Phulparas, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The Regional Deputy Director of Education, Tirhut Division, Darbhanga
4. The District Magistrate, Darbhanga
5. The District Education Officer, Madhubani
6. The District Programme Officer (Establishment), Madhubani
7. The Block Development Officer, Block - Jainagar, District - Madhubani
8. The Block Education Officer, Block - Jainagar, District - Madhubani
9. The Panchayat Secretary, Gram Panchayat Raj, Jainagar Basti, Block - Jainagar, District - Madhubani
10. The Mukhiya, Gram Panchayat Raj, Jainagar Basti, Block - Jainagar, District - Madhubani
11. The Headmaster, Government Girls School, Jainagar Basti, Block - Jainagar, District - Madhubani
12. The District Teachers Appointment Appellate Authority, District Madhubani through its Member

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Respondent/s : Mr. AC to SC 32

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-04-2016

Annexure- 7 is the order passed by the District Teachers Employment Appellate Authority and is dated 11.12.2012. By virtue of this order, not only the case filed by one Amaresh Kumar Amar was dismissed but even intervention filed on behalf of the petitioner and some other candidates came to be rejected.

In the second phase appointment of Panchayat Teachers



for which certain exercise was done and initiated it is the case of the petitioner that they were duly appointed by the Gram Panchayat Raj, Jainagar Basti, Block Jainagar, District Madhubani by the Panchayat Secretary after following the process. This appointment was done in the light of Annexure-3, the directive issued by one District Superintendent of Education. However, while this petitioner was performing her duty a communication was made by the Block Education Officer directing the Principal of the school in question to restrain the petitioner and other similarly appointed from performing their duty, mark their attendance etc. It was because of the said communication that one of the candidate approached the District Teachers Employment Appellate Authority and the petitioner with some others intervened.

In the proceeding, which was conducted by the District Teachers Employment Appellate Authority, a clear and categorical assertion was made on behalf of the Block Education Officer that there were no vacancies available for any appointment in the said Panchayat. Still the Panchayat Secretary has made six appointments surreptitiously. He did not provide any inputs or information of such appointments so made and the said Panchayat Secretary refused to respond to the explanation sought by the Block Education Officer as well as even before the District Teachers Employment Appellate



Authority. The finding of the Tribunal therefore, is that there is no material to establish that there were vacancies in the said Panchayat, which were required to be filled up. However, the Block Education Officer did accept the position that there was one backlog vacancy, which was for unreserved female category and no other vacancy exists, which was required to be filled up.

The above finding and position has also been taken in the counter affidavit filed on behalf of the respondents. There is neither any rebuttal nor any evidence has been produced on behalf of the petitioner that the findings of the Tribunal is otherwise erroneous that no vacancy was available to be filled up in the Panchayat. If that be so, the order of the Tribunal is not required to be interfered with.

Counsel for the petitioner thereafter submits that the petitioner belongs to backward female category and the one vacancy, which was shown to be carry-over, should be filled up by her appointment and she should be allowed to continue.

The carry-over seat was specifically for unreserved female category. Petitioner does not belong to the said category. In addition to that, no appointment is required to be made on any post now after the cut-off date, which was indicated by the State Government and which is reflected even from the communication contained in Anenxure-3. Such vacancies now will be required to be

filled up against future exercise for appointment. In addition to that, no person can be appointed as a Panchayat Teacher unless he or she qualifies the Teacher Eligibility Test, which is mandatory.

Writ application, therefore, has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	AFR
CAV DATE	
Uploading Date	29.4.2016
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