

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6379 of 2013

=====

Umesh Kumar Chaudhry S/O Late Ram Jee Chaudhry R/O Vill.- Babhangama,
P.S.- Beerpur, Block-Office- Barauni, Dist.- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary Primary And Basic Education, Bihar Secretariat, Patna
3. The District Teachers Appellat Authority, Begusarai Through Its Member
4. The District Superintendent Of Education, Begusarai
5. The Block Development Officer, Block-Office- Naokothi, Dist.- Begusarai
6. The Block Education Extension Officer Block-Office- Naokothi, Begusarai
7. The Mukhiya, Pahsara East Gram Panchayat, Block- Naokothi, Begusarai
8. The Panchayat Secretary, Gram Panchayat Pahsara East, Block-Office- Naokothi, Dist.- Begusarai
9. Dipak Kumar S/O Late Luxmi Chaudhry R/O Vill.- Naokothi, P.S.- Naokothi, Block- Naokothi, Dist.- Begusarai

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Subhesh Pandey, adv.

For the Respondent/s : Mr. Hemanshu Kumar Akela, A.C. to G.A.-1

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-04-2016

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. In this case, the petitioner is challenging the order dated 15.10.2012 passed in Complaint Case N.24 of 2011.

3. The matter relates to the selection of Panchayat Teacher of second phase of 2008. The petitioner is a member of backward class

and he applied for the post of Panchayat Teacher having 78.11 percent of marks.

4. Claim has been made that the petitioner has highest mark in his category. The date of counselling was fixed on 27.12.2010, but no one was present on the assigned date. Again he went there on 29.12.2012 to give the consent letter, but neither the Mukhiya nor the Panchayat Secretary was present. The petitioner again went to Panchayat Bhawan on 30.12.2010, where he could learn that selection will be made at Block Office, where he had gone but returned with empty hand. Again he went to Panchayat Bhawan where he found a notice was pasted on the notice Board, informing that the selection of the candidate has been kept in abeyance till further orders, but he could know that the Mukhiya and Panchayat Secretary has already appointed a person having lesser marks than the present petitioner and illegally the present petitioner has been deprived of selection to the post of Panchayat Teacher.

5. The order dated 15.10.2012 of the appellate authority shows that he sent notice to the Panchayat Secretary through the Block Development Officer, but he did not respond. Again he sent a letter No.24 Dated 25.01.2012 and directed the Block Development



Officer, to serve the notice upon the Panchayat Secretary, but office of the appellate authority did not receive the service report. Again he wrote a letter to the Block Development Officer vide letter No. 102 dated 27.04.2012 even than the notice was not effected. On this behaviour of respondent, he felt annoyed and rejected the claim of the petitioner. It does not stand to the reason that on account of behaviour of the Block Development Officer the appellate authority would reject the application of the petitioner. The petitioner should not suffer for the action or inaction of the Government Officials. He is only liable for his own action not for others and therefore, the ground assigned by the appellate authority for rejection of the appeal cannot be said to be a valid ground. Accordingly, the order dated 15.10.2012 passed by the appellate authority is set aside. The matter is remanded back to the appellate authority for deciding the same on merit.

6. Learned counsel for the petitioner submits that during the pendency of the writ petition one Sanjit Kumar Yadav has been appointed when the service of Dipak kumar was found to be illegal.

7. In such view of the matter, the petitioner will have a liberty to file proper amendment application, bringing all necessary facts therein. The appellate authority after giving due notice and hearing all

the parties would decide the case on its own merit within a period of six months from the date of receipt / production of a copy of this order.

8. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

U			
---	--	--	--