

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9100 of 2013

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Sabita Kumari Wife of Shri Sanjiv Kumar Pandey, resident of village and PO -
Dholbajja, P.S. - Dholbajja, District – Araria. Petitioner/s

Versus

1. The State of Bihar
2. Member, District Appellate Authority Teachers Appointment, Araria
3. Block Education Officer, Forbesganj, Araria
4. District Education Officer, Araria
5. Panchayat Secretary, Dholbajja Gram Panchayat, Forbesganj, Araria
6. The Mukhiya, Dholbajja Gram Panchayat, Forbesganj, Araria.
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra and Mrs. Tanuja Mishra
For the Respondent/s : Mr. D.K. Sinha, AAG-2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-06-2016

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

In this case the petitioner along with others, has been
appointed for the post of Panchayat Teacher.

One Kumari Sarika was appointed as a Panchayat
Teacher, but her service was dispensed with on the ground that she
being a daughter of Mukhiya.

Sneha Sudha approached the Appellate Authority, vide
Case No. 104 of 2009, where the plea was taken that Kumari Sarika,
daughter of Mukhiya has been managed to be appointed as a
Panchayat Teacher illegally and so much so that the marks-sheet
which was the basis for her appointment, was forged and fabricated.
The Appellate Authority entered into the merit of the case and found

that Kumari Sarika cannot be allowed to continue in service and accordingly her service was dispensed with giving direction that if any person not above Sneha Sudha would be appointed on the post of Panchayat Teacher.

As per the claim of the petitioner, she has better marks than Sneha Sudha and in the merit list she is above to her, but illegally she has been deprived of appointment.

The order which has been challenged by the petitioner is no any way affecting the petitioner rather it only says that if any person not above Sneha Sudha would be accommodated.

The petitioner has filed a representation before the District Teachers Appointment Appellate Authority, Araria, but he has not instituted any case and the matter is pending before him.

In such view of the matter, the Appellate Authority is directed if such complaint has been filed on 16.01.2012, he will institute the case and after giving notices to the proper parties, will decide the case of the petitioner in accordance with law.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
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