

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6444 of 2013

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Shilpi Daughter of Vinod Kumar, resident of village - Bahuara Patti, P.O. Nagra,
Division - Marhowrah, District - Saran, Chapra. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Saran, Chapra
 2. The Commissioner, Saran Division, Chapra
 3. The District Magistrate, Saran, Chapra
 4. The Sub - Divisional Magistrate, Marhowrah, Saran, Chapra
 5. The District Education Officer, Saran, Chapra
 6. The Block Development Officer, Marhowrah, Saran, Chapra
 7. The District Teachers Appellate Authority, Saran, Chapra
 8. The Block Education Extension Office, Madhuara, Saran, Chapra
 9. Mukhiya, Gram Panchayat Raj Bahuara Patti, Division - Marhowrah, District –
Saran, Chapra
 10. Panchayat Secretary, Gram Panchayat Raj Bahuara Patti, Division –
Marhowrah, District - Saran, Chapra
 11. Mamta Kumari Daughter Of Shri Shyamnandan Singh, resident of village &
P.O. Dev Bahuara, P.O. Nagra, Division - Marhowrah, District - Saran, Chapra
.... Respondent/s
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Appearance :

For the Petitioner/s : Mr. D.K.Sinha, Sr. Adv.
For the Pvt. Respondent/s : Mr. Sanjay Kumar Singh
For the State Mr. Apurva Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-11-2016

In this case, the petitioner is challenging the order 8th
February 2013, contained in Memo no. 20 dated 8th February 2013,
whereby and whereunder the Member of the District Teacher
Employment Appellate Authority, Saran, Chapra has disposed of the
Appeal of the petitioner, vide Case No. 1260A/2009.

The petitioner and the private respondent applied for
the post of Panchayat Teacher in the female and General category. As
has been claimed by the petitioner that she has better marks than the

private respondent, but her case was ignored and the private respondent has been appointed.

The Tribunal has altogether framed the five issues, discussed the matter, but without giving any finding on merit and has recorded that as a writ petition is pending before the High Court, giving details of the fact but the Tribunal failed to pass order on the merit of the case.

The counsel for the petitioner submits that on perusal of the order it appears that though the Tribunal has framed the issues, but without giving any result which has also been agreed by the counsel for the respondents.

The order passed by Appellate Tribunal cannot continue to sustain, in such view of the matter, the impugned order, vide Memo no. 20 dated 8th February 2013, is quashed and the matter is remanded back to the Tribunal for disposal of the case on merit within eight weeks from the date of receipt or production of a copy of this order.

Accordingly, this petition is allowed.

(Shivaji Pandey, J)

Maresh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15/11/2016
Transmission Date	