

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7841 of 2011

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Tabasum Jahan, daughter of Md. Anwar, resident of village+ P.O.+ P.S.
Motipur, District- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
 2. Director, Primary Education, Govt. of Bihar, Patna
 3. The District Magistrate-cum- Collector, Muzaffarpur
 4. The District Superintendent of Education, Muzaffarpur, District-
Muzaffarpur
 5. Block Development Officer, Block-Motipur, District- Muzaffarpur
 6. The Block Education Extension Officer, Motipur, Muzaffarpur
 7. The Panchayat Secretary (Gram Sevak), Gram Panchayat Raj,
Bariyarpur, P.S. Motipur, District- Muzaffarpur
 8. Mukhiya, Gram Panchayat Raj, Bariyarpur, P.S. Motipur, District-
Muzaffarpur
 9. Annu Sharma, wife of Birendra Kumar Sharma, resident of village-
Madhopur, P.S. Motihpur, P.O. Anjanakot, District- Muzaffarpur
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

For the Respondent/s : Mr. AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 18-02-2016 Heard Sri Rajeev Ranjan, learned counsel for the

petitioner, learned AC to SC-27 as well as Sri Shashi Bhushan

Singh, learned counsel, who has appeared on behalf of Respondent

no.9.

The petitioner, invoking writ jurisdiction of this Court
under Article 226 of the Constitution of India, has approached this
Court in the month of May, 2011 with a prayer to direct the
Respondents to appoint her as Panchayat Shikshak after cancelling
the appointment of Respondent no.9.

Learned counsel for the petitioner submits that during pendency of the writ petition, the appointment of Respondent no.9 has already been set aside. However, learned counsel for Respondent no.9 submits that against the order of the writ court, Respondent no.9 has filed an appeal before a Division Bench of this Court. Besides this, relying on an unreported Judgment of this Court dated 19.08.2011 passed in C.W.J.C.No.1558 of 2011, he submits that the present writ petition is fit to be rejected on the ground that the petitioner has not availed statutory remedy as incorporated in Bihar Panchayat Primary Teacher (Appointment and Service Condition) Rules, 2006. He submits that under the said rule, immediately after conclusion of selection process, an aggrieved person was entitled to raise a dispute before the authority concerned. Even there was a provision to file a petition before the District Teacher Employment Appellate Authority, but the petitioner has directly approached this Court. He submits that similar question was considered by this Court in C.W.J.C.No.1558 of 2011 and this Court has already adjudicated that in such belated stage, the writ petition may not be entertained. It is also not in dispute that the selection process of Panchayat teacher was completed in the year 2006 itself and the petitioner had approached this Court in the year 2011 and, as such, on the similar

principle, the present writ petition stands dismissed.

(Rakesh Kumar, J)

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