

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11166 of 2013

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1. Sangita Kumari Daughter Of Shambhu Sharan Shukla C/O Ramashray Pandey (Ips Retd.) Gokul Path, Patel Nagar District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Chief Secretary, Government Of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Department Of Education, Government Of Bihar, Patna
3. Director, Secondary Education, Government Of Bihar, Patna
4. Zila Parishad, Patna Through Its Chief Executive Officer-Cum-District Development Officer, Patna
5. The Deputy Development Commissioner-Cum-Chief Executive Officer, Zila Parishad, Patna
6. Zila Parishad Secondary Teachers Appointment Committee, Through Its Chief Executive Officer-Cum-District Development Officer, Patna-Cum-Secretary, Zila Parishad, Patna
7. The District Teacher Appointment Appellate Tribunal, Patna Through Its Secretary, Computer Bhawan, Rajkiya Balika Uchhtar Madhamik Vidyalaya, Bankipur, Golghar, Patna
8. The District Programme Officer, Establishment, Patna
9. The District Education Officer, Department Of Education, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratnesh Kumar Singh, Advocate.
For the State : Mr. Pankaj kumar, SC-12
Fro Zila Parishad : Mr. Nikesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 12-08-2016 Heard the parties.

In the present writ petition, petitioner is challenging the order dated 30.3.2013 passed by the Member, District Teacher Appointment Appellate Tribunal, Patna in Case No.1 of 2013 by which he has rejected the appeal for inclusion of the name of the petitioner on the ground that petitioner has

filed the appeal after 30 days without proper explanation.

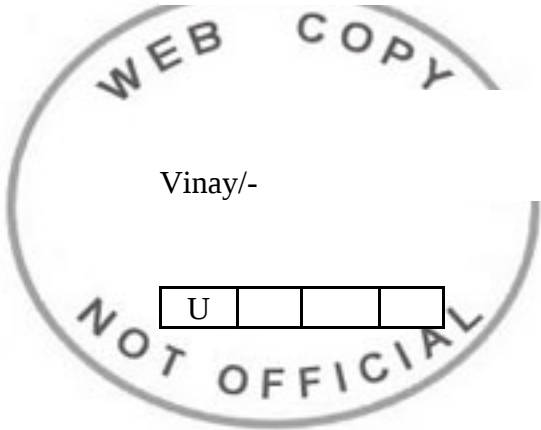
Petitioner applied for the post of Middle and Secondary High School Teacher which has been published by the Zila Parishad. Petitioner appeared in the test and declared qualified but name of the petitioner was not published in the provisional list dated 26.11.2012. The said merit list was not published in the daily news paper, therefore, he could not raise objection.

Learned counsel for the State submits that provisional merit list was published by the Education Department through web. When the petitioner was not selected he approached before the Appellate Tribunal, the Appellate Tribunal rejected the appeal of the petitioner on the ground that the appeal has been filed beyond 30 days without any explanation.

From the record it appears that the Appellate Tribunal has not discussed the case of the petitioner but on technical ground he has rejected the appeal.

Accordingly the order of the Appellate Tribunal dated 30.3.2013 is set aside and matter is remanded back to the Appellate Tribunal, Patna for fresh consideration and pass order in accordance with law.

Accordingly this writ petition is allowed.



(Shivaji Pandey, J)