

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6023 of 2014**

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1. Saba Khatoon D/O Md. Taj Ali Resident Of Mohalla Line Bazar, Opposite Of  
Late Dr. K.K. Das, Purnia, P.S. Purnia, P.S. Khajanchi Hat, P.O. Purnea, District -  
Purnea

.... .... Petitioner/s

Versus

1. The State Of Bihar Through, The Principal Secretary Human Resources  
Development, New Secretariat, Patna
2. The Director, Primary Education, Govt. Of Bihar, New Secretariat, Patna
3. The Chairman District Teachers Employment Appellate Authority, Purnea
4. District Education Officer, Purnea, P.O. And P.S. Purnea, District - Purnea
5. Block Education Officer Amour, P.O. And P.S. Amour, Via - Baisi, District -  
Purnea
6. The Mukhiya Gram Panchayat Raj - Dalmalpur, P.O. Dalmalpur, Via - Jokihat,  
P.S. Amour, District - Purnea
7. The Chairman ( Mukhiya ), Shikshak Niyojan Samiti, Gram Panchayat Raj -  
Dalmalpur, P.O. Dalmalpur, P.S. Amour, Via - Jokihat, District - Purnea
8. The Panchayat Sachiv Gram Panchayat Raj - Dalmalpur, P.O. Dalmalpur, P.S.  
Amour, Via - Jokihat, District - Purnea
9. The Headmaster/ Headmistress Kanya Vidyalaya Primary School Village  
Dalmalpur, P.O. Dalmalpur, Via - Jokihat, P.S. Amour, District - Purnea
10. Kavita Kumari D/O Kadam Lal Mandal Resident Of Village - Karia, Gram  
Panchayat Raj - Dalmalpur, P.O. Dalmalpur, Via - Jokihat, P.S. Amour, District -  
Purnea

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rudal Prasad

For the Respondent/s : Mrs. Kumari Amrita, GP 10

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 04-03-2016**

Writ application is required to be dismissed. There is no infirmity in the order of the District Teachers Employment Appellate Authority contained in Annexure- 13. In addition to that, the Court will not unsettle a settled position taking into consideration the finding with regard to lack of consent of petitioner being granted and post having remained vacant for one year. Since the process as well

as requirement for appointment of Teacher has undergone a change, eligibility has to be acquired by passing the Teacher Eligibility Test. The petitioner cannot be appointed on the post even if the private respondent is removed taking into consideration that such appointment was way back in the year 2008 and petitioner had moved the District Teachers Employment Appellate Authority only in the year 2011 and that the order does not suffer from any legal infirmity.

Writ is dismissed.

**(Ajay Kumar Tripathi, J)**

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