

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6996 of 2013

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1. Satrugshan Paswan S/O Sita Ram Paswan R/O Village- Karaitar, P.S.- Bakhari,
District- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Principal Secretary H.R.D. Bihar, Patna
2. The District Magistrate, Begusarai
3. The District Teacher Selection Appellate Authority Tribunal Begusarai
4. The District Programme Officer, Begusarai
5. The Block Education Officer, Naokothi, Dist.-Begusarai
6. The Mukhiya, Bhagwan Panchayat, Naokothi, Dist.- Begusarai
7. The Panchayat Secretary Of Bhagwan Panchayat Naokothi, District- Begusarai
8. Rishikant Paswan @ Rishi Kanti Nigam S/O Ram Charitra Paswan R/O Village-
Bagras, P.S.- Bakhari, District- Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad, Advocate.

For the State : Mrs. Divya Verma, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-04-2016

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

In the present notice has been issued to respondent no.8
but till date he has not appeared. In such view of the matter, this
Court is deciding the case on the basis of the material available
on record.

The petitioner is challenging the order date 28.12.2012
passed by the Appellate Tribunal, Begusarai in Case No.95 of
2011 by which his appeal has been rejected.

It appears that petitioner has applied for the post of Panchayat Teacher in second phase. As per claim of the petitioner, he appeared in the counseling and he was selected. Accordingly selection letter was issued and direction was given to join the School. But in the meantime a person who was never called for counselling has been appointed.

From the impugned order it appears that Tribunal has issued notice to the Panchayat Secretary directly as well as through the Block Development Officer. As he did not receive proper assistance the Tribunal has dismissed the appeal.

It does not stand to reason that for the action or inaction of the respondent, the petitioner would suffer. If the respondent has not given reply or file any show-cause the Court ought to have decided the case on the basis of the material available on record instead of dismissing the appeal by a cryptic order.

In this view of the matter, the order dated 28.12.2012 passed by the Tribunal in Case No.95 of 2011 is hereby set aside and matter is remanded back for fresh consideration and direction is given to the Panchayat Secretary that he would co-operate with the proceeding before the Appellate Tribunal. If he fails to co-operate this Court would treat the action of flouting

the order and Court would initiate the contempt proceeding against him. The Tribunal is directed to dispose of the matter within a period of six months from the date of receipt/production of this order.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

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