

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4552 of 2013

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Kumari Renu W/O Sandeep Kumar Resident Of Village - Kapoor Pakari, P.S
Shikarganj, District East Champaran At Motihari

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Department Of Human Resources, Bihar, Patna
2. The District Superintendent Of Education-Cum-District Education Officer, East Champaran At Motihari
3. The Block Education Extension Officer Chirai At Chirai, District East Champaran At Motihari
4. The Mukhiya-Cum-Chairman, Panchayat Teacher Employment Committee, Gram Panchayat Raj Semra, Sagardina, Block Chirai, East Champaran At Motihari
5. Gram Panchayat Raj Semra Sagardina Block Chirai, District East Champaran At Motihari Through Its Secretary
6. Anita Kumari D/O Ram Balak Prasad Resident Of Village Semra, Block Chirai, P.S. Shikarganj, District East Champaran At Motihari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Adv.
Mr. S.K. Ranjan, Adv.
For the State : Mr. U.S.S. Singh, GP-1
Mr. Uday Bhan Singh, AC to GP-1
For the Pvt. Resp. No.6 : Mr. Alok Kumar, Adv.
Mr. Raghav Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-02-2016

Heard learned counsel for the petitioner and counsel for
the State as also counsel for the private respondent no.6.

In the present case, the matter relates to the appointment
of Panchayat Teacher of Gram Panchayat Semra. This matter relates
to the second phase of the year 2008. At the first instance, the
petitioners were selected which was challenged by the private



respondent no.6 and the same was made subject matter before the appellate authority in the Appeal No. 822 of 2011 wherein the appellate authority had found that the petitioners were wrongly appointed which itself was challenged before this Court in C.W.J.C. No. 3458 of 2012 and this Court has found illegal method was adopted in selection of Panchayat Teacher as the notices were sent through UPC and only the petitioner was shown to have appeared and 19 persons were found to be absent. This Court did not find illegality in the order of the Appellate Tribunal but directed to appoint the person who secured the highest marks. It appears that the petitioner again challenged the same order in CWJC No. 6550 of 2012 which has been brought by the respondents by way of Annexure- R-6/1. There the Court has also not accepted the submission with regard to notice and rejected the same but, after the order was passed in C.W.J.C. No. 3458 of 2012, situation did not improve and even then the Panchayat Samiti again adopted the same method which was rejected by this Court, this time also notices were sent through UPC. This time the respondent no.6 was shown to be present and rest candidates were shown to be absent.

It is high time that the Panchayat Unit has adopted the same method which was criticized by this Court. While exercising the selection process, it is binding on the unit and even a courtesy to



follow the procedure and send notice through registered cover so much so all the persons were absent save and except one person shown to be present. That itself indicates the manner in which the selection has been made. The service of notice through U.P.C. only gives a presumption that the notice was sent but it does not show that the notice reached to the destination. This Court has already shown its view in the case of *Subhash Kumar Bhagat Vs. The State of Bihar through the Secretary, Primary and Adult Education Department & Ors.* reported in 2012 (3) *BBCJ* 631. This Court finds that the Panchayat Unit has again committed the repeated mistake that cannot be approved by this Court and, as such, the appointment of the respondent no.6 cannot be sustained and is set aside. The Panchayat Unit is directed to go for a fresh process of selection and whoever is best candidate should be selected.

With the aforementioned observation and direction, this application is allowed.

(Shivaji Pandey, J)

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