

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5637 of 2013

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Madan Kumar Bishwas Son Of Bhuneshwar Lal Vishwas Resident Of
Village- Bankirha, P.O.- Mjhuwankala, P.S. Kaswa, Amaur, District Purnea

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, H.R.D. Bihar, Patna
2. The Commissioner, Purnea
3. The Collector Purnea
4. The President District Teacher, Purnea
5. The D.S.E. Purnea
6. B.E.E.O. Kasba Block Purnea
7. Mukhiya Gram Panchayat Benkirha Block Kasba, District Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kr. Mallick, Adv.
For the Respondent/s : Mr. R.K. Jha, GP-18

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 25-01-2016 Heard learned counsel for the petitioner and counsel
for the State.

In this case, the petitioner is seeking appointment for the post of Panchayat Teacher. It appears that the Government has issued a notification and made an advertisement for appointment of Panchayat Teacher. The petitioner, thereafter, has applied for the said post. The grievance of the petitioner is that he was not called for counseling and, with this grievance, he had approached to Janata Darbar of the Chief Minister of Bihar and the case of the petitioner was remitted to the Appellate Tribunal. The Appellate Tribunal opened the file and asked the B.E.E.O., Kasba with a

direction to examine the case of the petitioner and submit a report, whereupon, a report was submitted that the petitioner had applied under the untrained category of candidate and as large number of trained category of candidates were available, the untrained candidates were not considered either for preparation of the merit list. Learned counsel for the petitioner has submitted that one untrained candidate has been appointed but in this regard, nowhere statement has been made in the order of the appellate authority. There is also no material to disbelieve the statement recorded in the order of the appellate tribunal. In view of the fact that untrained candidate cannot compete with the trained candidate and the trained candidate is superior, first preference will be given to the trained candidate and in the event of non-availability of trained teacher, the untrained teacher is to be considered.

With the aforementioned observation, this application is dismissed.

(Shivaji Pandey, J)

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