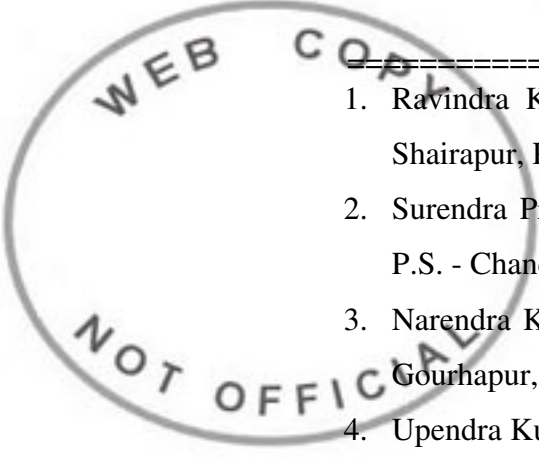


IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.567 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 19702 of 2012

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1. Ravindra Kumar Singh. Son of Late Sheetal Prasad. Resident of Village - Shairapur, P.S. - Chandi, District - Nalanda.
 2. Surendra Prasad. Son of Ram Chandra Prasad. Resident of Village - Kurthia, P.S. - Chandi, District - Nalanda.
 3. Narendra Kumar Sinha. Son of Yogendra Prasad Sinha. Resident of Village - Gourhapur, P.S. - Chandi, District - Nalanda.
 4. Upendra Kumar. Son Of Jaldhar Kewat. Resident Of Village - Mal Bigha, P.S. - Chandi, District - Nalanda.
 5. Rubi Kumari. Daughter of Fakira Chaudhary. Resident of Village - Jogia, P.S. - Chandi, District - Nalanda.
 6. Sulekha Kumari. Daughter Of Ramsharan Prasad. Resident Of Village - Pastur Pur, P.S. - Chandi, District - Nalanda.
 7. Rekha Kumari. Daughter of Ram Nandan Prasad. Resident of Village - Manara, P.S.- Noor Sarai, District - Nalanda.
 8. Kundan Kumar. Son of Upendra Prasad. Resident of Village - Manara, P.S.- Noor Sarai, District - Nalanda.
 9. Satyendra Kumar. Son of Sheetal Prasad. Resident of Village - Shair Par, P.S.- Chandi, District - Nalanda.
 10. Kamlesh Kumar. Son of Ram Nandan Prasad. Resident of Village - Sunka, P.S. - Tharthari, District - Nalanda.
 11. Rinku Kumari. Daughter of Yogendra Prasad. Resident Of Village - Mandachh, P.S. Noorsarai, District - Nalanda.
 12. Soni Kumari. Daughter of Kashi Chaudhary. Resident of Village - Kubra, Bigha, P.S. - Noorsarai, District - Nalanda.
 13. Onkar Kumar Singh. Son Of Late Awadhesh Prasad. Resident Of Village - Manra, P.S. Noorsarai, District - Nalanda.
 14. Manoj Kumar. Son of Ramavtar Singh. Resident of Village - Hasani, P.S. - Chandi, District - Nalanda.
 15. Dhananjay Kumar. Son of Late Dev Kumar Singh. Resident of Village - Manara, P.S. - Noor Sarai, District - Nalanda.
 16. Lalesh Kumar. Son of Kavindra Prasad Sinha. Resident Of Village - Tikai

Chak, P.S.- Punpun, District - Patna.

17. Sanjeet Kumar. Son Of Arjun Prasad. Resident Of Village - Chandi, P.S.-
Chandi, District - Nalanda.

18. Bashisth Muni Deo. Son Of Late Ram Sharan Prasad. Resident Of Village -
Mandachh, P.S. - Noorsarai, District - Nalanda.

19. Sachchidanand Prasad. Son Of Shyam Sunder Prasad. Resident Of Village -
Hasani, P.S. - Chandi, District - Nalanda.

20. Rinku Kumari. Daughter Of Birju Sao. Resident Of Village - New Nathupur,
P.S. - Parosa, District - Nalanda.

21. Ravi Kant. Son Of Janak Prasad Singh. Resident Of Village - Sirnowan, P.S. -
Chandi, District - Nalanda.

22. Dhananjay Bhushan. Son Of Siya Sharan Prasad. Resident Of Village - Kewai,
P.S.- Chandi, District - Nalanda.

23. Ashok Paswan. Son Of Late Janki Paswan. Resident Of Village - Madhopur
Diha, P.S. - Chandi, District - Nalanda.

24. Manorama Kumari. Daughter Of Deonandan Prasad. Resident Of Village -
Dararia Bigha, P.S. Chandi, District - Nalanda.

.... Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Department Of Education,
Govt. Of Bihar, Patna.

2. The District Magistrate, Nalanda.

3. The District Education Officer, Nalanda.

4. The Block Development Officer, Chandi, District - Nalanda.

5. The Block Education Extension Officer, Chandi - Cum - Secretary, Block
Employment Committee, Chandi.

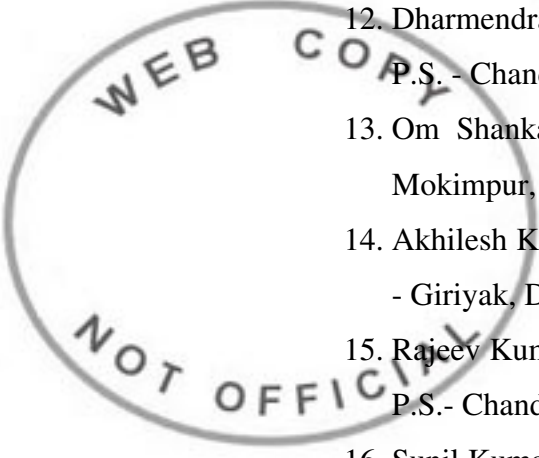
6. The Niyojan Committee, Chandi, Block Chandi Through The Chairman, The
Niyojan Committee, Chandi Block, District - Nalanda (Biharsharif).

7. The District Teacher Appointment Appellate Authority, Nalanda (Biharsharif).

8. Vidhyarthi Kumar. Son Of Kamal Prasad. Resident Of Village - Mandachhi,
P.S Deepnagar, District - Nalanda.

9. Ranjeet Kumar. Son Of Satyendra Prasad. Resident Of Village - Jagatpur, P.S. -
Telmar, District - Nalanda.

10. Sunita Sinha. Daughter Of Kapildeo Singh. Resident Of Village - Bande P.S.
Rajgir, District - Nalanda.

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11. Geeta Kumari. Daughter Of Rajesh Chaudhary. Resident Of Village - New Nalanda Colony, P.S.- Biharsharif, District - Nalanda.
 12. Dharmendra Kumar. Son Of Ram Bhavan Paswan. Resident Of Village - Keru, P.S. - Chandi, District - Nalanda.
 13. Om Shankar Sinha. Son Of Radhey Shyam Prasad. Resident Of Village - Mokimpur, P.S. - Chandi, District - Nalanda.
 14. Akhilesh Kumar. Son Of Basant Mistry. Resident Of Village - Ram Nagar, P.S. - Giriyak, District - Nalanda.
 15. Rajeev Kumar. Son Of Late Ramswarath Singh. Resident Of Village - Matepur, P.S.- Chandi, District - Nalanda.
 16. Sunil Kumar. Son Of Raghubir Prasad. Resident Of Village - Koiri, Bigha , P.S. - Giriyak, District - Nalanda.
 17. Nawlesh Kumar. Son Of Binod Singh. Resident Of Village - Matepur, P.S. - Chandi, District - Nalanda
 18. Kumar Anil Rai. S/O Rajendra Prasad. Resident Of Village - Koeri, P.S. Chandi, District - Nalanda.
 19. Akhilesh Kumar. Son Of Basant Mistry. Resident Of Village - Mandachh, P.S. Deepnagar, District - Nalanda.
 20. Rekha Kumari. Daughter Of Dhananjay Kumar Chaudhary. Resident Of Village - Gujar, P.S. - Chandi, District - Nalanda.
 21. Dinesh Kumar. Son Of Ramashish Gope. Resident Of Village - Mandachh, P.S.- Noorsarai, District - Nalanda.
 22. Nithish Kumar. Son Of Late Ramswarath Singh. Resident Of Village - Telmari, P.S.- Telmar, District - Nalanda.
 23. Munna Kumar. Son Of Ram Baran Singh. Resident Of Village - Milkipar, P.S. - Chandi, District - Nalanda.
 24. Rakesh Kumar Roushan. Son Of Arjun Prasad Singh. Resident Of Village - Balchand Bigha, P.S. - Ben, District - Nalanda.
 25. Kiran Kumari. Daughter Of Akhilesh Kumar. Resident Of Village - Pasaria Bigha, P.S. - Chandi, District - Nalanda.
 26. Bandana Pandey. Daughter Of Anil Kumar Pandey. Resident Of Village - Jogai, P.S. - Ekangersarai, District - Nalanda.
 27. Sashi Ranjan Kumar. Son Of Rajedra Prasad. Resident Of Village - Jogai, P.S. - Ekangersarai, District - Nalanda.
 28. Mani Shankar Prasad. Son Of Rajendra Prasad. Resident Of Village - Gharhari,

P.S.- Chandi, District - Nalanda.

29. Rajesh Jamadar. Son Of Radhey Jamadar. Resident Of Village - Mukimpur,
P.S. - Chandi, District - Nalanda.

30. Rajeev Ranjan. Son Of Ram Narayan Prasad. Resident Of Village - Hasanchak,
P.S. - Hasanchak, District - Nalanda.

31. Dhananjay Kumar. Son Of Surendra Kumar. Resident Of Village - Hasanchak,
P.S. - Harnaut, District - Nalanda.

32. Mithilesh Kumar. Son Of Siya Saran Prasad. Resident Of Village - Jaithipur,
P.S.- Chandi, District - Nalanda.

33. Awadhesh Kumar. Son Of Sidheshwar Prasad. Resident Of Village - Ratan
Bigha, P.S. - Silaw District - Nalanda.

34. Ajay Kumar. Son of Indrajeet Prasad. Resident Of Village - Salapur Patna,
District - Patna.

35. Vidyawati Kumari. Daughter Of Dharmendra Kumar. Resident Of Village -
Ganipur, P.S.- Hilsa, District - Nalanda.

36. Umesh Paswan. Son Of Anup Paswan. Resident Of Village - Makdumpur, P.S.-
Karai Parsurai, District - Nalanda.

37. Purushottam Kumar. Son Of Kamal Kishore Sharma. Resident Of Village -
Pasari, P.S. - Chandi, District - Nalanda.

38. Vikash Kumar. Son Of Ramchandra Singh. Resident Of Village - Baran Bigha,
P.S.- Chandi, District - Nalanda.

39. Daya Shankar Pateshwari. Son Of Late Bishundeo Tanti. Resident of Village -
Jogia, P.S. - Chandi, District - Nalanda.

.... Respondent/s

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Appearance :

For the Appellants : Mr. Devendra Kumar Singh with
Mr. Abhay Kumar, Advocates

For the Respondent/s : Mr. Utsav Kumar, AC to GA 4

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)
Date: 17-08-2016

Heard learned counsel for the parties.

2. The challenge in the present intra-court appeal under Clause X of the Letters Patent of Patna High Court is to the order dated 20.01.2015 passed by the learned Single Bench by which C.W.J.C. No. 19702 of 2012 has been dismissed.

3. The writ petitioners had applied under Phase II for appointment as Block Teachers They were called for counseling on 24.01.2009. The State Government issued press communique indicating the cut off date 28.12.2010 for completing the counseling and appointment of Block Teachers for the entire State of Bihar. The same was further reiterated and clarified by another press communiqué dated 21.02.2011. When no appointment was made, some candidates approached the District Teachers Employment Appellate Authority, Nalanda (hereinafter referred to as the 'Authority') in Case No. 184 of 2010. By order dated 18.02.2011 the Block Teachers Unit, Chandi was directed to get the counseling done of the applicants in accordance with law. Similar direction was also given by the Authority on 04.06.2012 in Case No. 303 of 2010. Pursuant to the same, a fresh counseling was held on 29.10.2011 and 31.01.2012. In the meantime, Appeals No. 133 of 2011, 239 of 2010 and 243 of 2011 were filed before the Authority for a direction to issue appointment letters pursuant to the counseling held prior to



28.12.2010. The same was disposed off by order dated 04.04.2011 directed to take steps for final selection and issuance of appointment letters on the basis of counseling held prior to 28.12.2010 and merit list prepared in terms thereof after verification of the certificates. The writ petitioners, thus, moved before the Authority seeking setting aside the order passed in Case No. 184 of 2010 as it was conflict with the order dated 04.04.2011 passed in Appeals No. 133 of 2011, 239 of 2010 and 243 of 2011. The Authority disposed off the petition holding that it did not have the power to set aside the order dated 18.07.2012 passed by a co-ordinate Bench of the Authority. The writ petitioners assailed the order in C.W.J.C. No. 19702 of 2012 and dismissal of the same by the learned Single Bench by order dated 20.01.2015 has given rise to the present Letters Patent Appeal.

Learned counsel for the appellants submits that the they were the applicants who had participated in the original counseling held on 24.01.2009 and since the State Government in the Department of Education had directed that the counseling, as well as appointment process, be completed latest by 28.12.2012 with regard to Block Teachers, there could not have been any direction by the Authority to go in for fresh counseling and the same having wrongly been directed by the Authority in its orders dated 18.02.2011 in Case No. 184 of 2010 and 04.06.2012 in Case No. 303 of 2010 were required to be

reviewed/recalled by the Authority. Learned counsel submits that the respondents no. 8 to 39 got fresh opportunity to take part in the counseling which they had not done earlier and which ought not to have been allowed.

Learned counsel for the State submits that the authorities have acted pursuant to the order of the Authority in Case No. 184 of 2010 and 303 of 2010 which was based upon a finding of fact that the applicants of the said cases had wrongly been deprived of taking part in the counseling and, thus, the action of the authorities is valid in law.

Having considered the rival contentions, we do not find any merit in the present appeal. Admitted facts are that the respondents no. 8 to 39 were applicants pursuant to the advertisement, and after having participated in the counseling have been appointed. The opportunity for fresh counseling having been granted by the Authority and such order not having been challenged, the selection made pursuant thereto cannot be said to be vitiated. The appellants having approached the Authority for setting aside the order of the Authority in Cases No. 184 of 2010 and 310 of 2010 was misconceived and rightly the Authority has held that the same was impermissible in law. The appellants being fully aware of the order passed by the Authority in Case No. 184 of 2010 dated 18.02.2011

and the exercise directed by the order having been completed, leading to appointment of the respondents no. 8 to 39 is, thus, valid and legal. Further the challenge to the order of the Authority dated 18.07.2012 refusing to set aside the orders passed in Cases No. 184 of 2010 and 301 of 2010 was equally misconceived, as no such power is available to the Authority.

For the reasons aforesaid, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal which, accordingly, stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/-

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