

THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5370 of 2013

=====

Shyam Bihari Rai S/o Shri Singheshwar Rai R/O Village-Karuna, P.S.- Harlakhi,
District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Human Resources Development Department,
Government Of Bihar, Patna
3. The Director, Primary Education, Department Of Human Resources
Development, Bihar, Patna
4. The Collector, Madhubani
5. The District Education Officer, Madhubani
6. The Block Development Officer, Harlakhi, Madhubani
7. The Block Education Extention Officer Block Office Harlakhi, District-
Madhubani

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Murari Narain Chaudhary
: Mr. Mohit Shrivastava
: Mr. Vijay Kumar

For the Respondent/s : Mr. Manish Kumar, A.C. to G.P.21

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 30-03-2016

1. Heard learned counsel for the petitioner and learned counsel
for the State.
2. In this case, the petitioner is claiming that the Tribunal has
wrongly rejected the claim of the petitioner, stating that he has
approached the Tribunal after the prescribed time and rejected the

appeal of the petitioner without deciding the merits of the case.

3. As per the case of the petitioner, for the second phase appointment Harlakhi Gram Panchayat issued Notification for the appointment of Block Teacher. In pursuance thereof, the petitioner has applied and on 28.12.2010, he was called for the counseling. On 28.12.2010, he appeared, but he was directed by the Secretary of Employment Committee to again visit the office on 29.12.2010 for the counseling. On that day, the petitioner approached the authority, but he was again asked to visit on 30.12.2013 and finally the authority has refused to grant appointment.

4. When the petitioner was not being appointed, he wrote a letter to the Commissioner, Darbhanga Division followed by his representation dated 04.04.2012 with the Secretary, Human Resources Development Department, but no action was taken on their behalf. Ultimately, he approached the District Teachers Appointment Appellate Tribunal, Madhubani vide Madhubani Case No.842/08/12, but the case of the petitioner was rejected on the ground of delay and latches as the Tribunal was of the view that the Government has started the selection process of third phase.

5. Learned counsel for the petitioner submits that in a similar matter the Tribunal has granted substantive relief to others on 10.08.2011 in Case No.738/08/11 and in Case No.917/08/12 vide order date 30.05.2012.

6. In that view of the matter, learned counsel for the petitioner submits that the Tribunal was not justified in rejecting the claim of the petitioner on the ground of delay and latches.

7. Learned counsel for the State has tried to justify the action of the Tribunal by submitting that the petitioner has approached the Tribunal in the year 2012. He submits that the Tribunal has rightly rejected the claim of the petitioner as all the posts have gone to the third phase of appointment.

8. Having considered the rival contentions of the parties, in the present case, it appears that the petitioner was pursuing his case right from 2011 itself and ultimately approached the Tribunal in the year 2012. This Court is not satisfied with the grounds mentioned in the order of the Tribunal for rejecting the claim of the petitioner on the ground of delay and latches. Accordingly, the order impugned is quashed. The matter is remanded back to the Tribunal concerned to

pass a fresh order within a period of six months from the date of receipt/production of a copy of this order, after giving due notices to all the parties.

9. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

U			
---	--	--	--