

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7100 of 2013

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Kapildeo Yadav Son of Shivnath Yadav, resident of Basmatia, P.S. Chanan,
District – Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Lakhisarai
4. The District Superintendent of Education, Lakhisarai
5. The Block Development Officer, Chanan, Lakhisarai
6. The District Teacher Appointment Appellate Authority, Lakhisarai
7. The Mukhiya, Gram Panchayat Raj Maheshleta, P.S. Chanan, District –
Lakhisarai
8. The Panchayat Secretary, Gram Panchayat Raj Maheshleta, P.S. Chanan, District
- Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Arun Kumar and Ram Vinay Pd. Sinha @ Sanjay

For the Respondent/s : Mr. Krishna Chandra Jha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-06-2016

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

In this case, the petitioner is challenging the order of
the District Teacher Appointment Appellate Authority, Lakhisarai
passed in Appeal no. 21/2008-09 whereby he has rejected the
appeal on the ground of limitation.

Admittedly the petitioner applied for the post of
Panchayat Teacher of Gram Panchayat Raj Maheshleta, Block-
Chanan in connection with first phase of appointment of Panchayat



Teacher in the year 2006. The petitioner was not appointed, he approached the Appellate Authority in Appeal Case no. 21/2008-09 and the Appellate Authority, vide order dated 18.09.2009, rejected the same holding that it is barred by limitation. Thereafter, the petitioner approached this Court against that order in C.W.J.C. No. 12258 of 2010 and this Court, vide order dated 29.03.2011 disposed of the same, refused to interfere with the order of the Appellate Authority. However, liberty was given to the petitioner if he is confident about the authenticity of the letter (Annexure-3), he will prove the authenticity of the same, the matter was remanded back and the Tribunal gave six times indulgences, but the petitioner failed to substantiate the verification of the record and on that account, the claim of the petitioner was rejected.

The counsel for the petitioner submits that admittedly the petitioner has better marks than the person who was appointed and there is no limitation for filing the appeal under Rule 18 of Bihar Panchayat Elementary Teacher (Employment and Service Conditions) Rules, 2006 and further submitted that he has filed the application before the Block Development Officer, who was supposed to transmit the same before the Appellate Authority for consideration and for that he should not be held responsible or cannot be a ground of rejection of the appeal.

A counter affidavit has been filed on behalf of Respondent nos. 3 and 5 stating therein that no such application was found in the record of the Block Development Officer.

In such view of the matter, the petitioner could not verify the record before the court below which he had claimed before the Writ Court and so much so that the matter relates to first phase appointment of 2006 admittedly he has approached the Appellate Authority after a long delay and the Appellate Authority rejected the claim of the petitioner which was approved by this Court, but liberty was given for verification of record which the petitioner failed to do the same.

In such view of the matter, this Court does not find any merit in the present case. Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
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