

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13499 of 2011

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Satya Prakash S/O Sri Digvijay Kumar R/O Vill.- Bhojpatti, P.O.- Bhojpatti, P.S.-
Sarai, Distt.- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Secretary Human Resources Development
Department Govt. Of Bihar, New Secretariat, Patna
2. The Director, Primary Education, Human Resources Development Department
Govt. Of Bihar, New Secretariat, Patna
3. The Director, Secondary Education, Human Resources Development Department
Govt. Of Bihar, New Secretariat, Patna
4. The District Magistrate, Muzaffarpur
5. The District Education Officer, Muzaffarpur
6. The Member District Teacher-Appointment-Appellate Authority, Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. Rajiv Roy GP5

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 09-05-2016

Heard Sri Shashi Bhusan Kumar, learned counsel for the
petitioner and Sri Rajiv Roy, learned GP No. 5.

The petitioner invoking writ jurisdiction of this court under
Article 226 of the Constitution of India has mainly prayed for
directing the respondents to issue appointment letter in his favour on
the post of Zila Parishad Teacher and also to direct the respondents to
take follow up action in view of the order dated 24.7.2010 passed in
Case No. 99 of 2010 by the District Teachers Employment Appellate
Authority, Muzaffarpur (hereinafter referred to as the 'appellate

authority’).

Learned counsel for the petitioner submits that since regarding 2nd and 3rd counselling no separate letter was issued, the petitioner failed to participate in the counselling. The action of the respondents was illegal and as such he approached the appellate authority by filing a case vide Case No. 99 of 2010. The said case was allowed vide order dated 24.7.2010 directing District Education Officer , Muzaffarpur to fix a date of counselling of the petitioner after issuance of registered letter to the petitioner for appearance in the counselling. It has been argued that even though vacancies are lying vacant till date the petitioner has not been provided with the appointment letter.

In this case a counter affidavit has been filed on behalf of the respondent no. 5 and a specific stand has been taken that in compliance with the order of the appellate authority subsequently notice was issued to the petitioner and thereafter petitioner participated in the counseling. However after examining the case of the petitioner it was found that none of the candidates having lesser marks than the petitioner was appointed and as such, it has been argued that order of the appellate authority has already been complied with. He further submits that in compliance with the order of the appellate authority after issuance of notice to the petitioner a

reasoned order has been passed by the District Programme Officer (Establishment) Muzaffarpur vide Annexure – ‘C’ to the counter affidavit contained in memo no. 1559 dated 19.6.2012.

Learned State counsel submits that complying the order of the appellate authority the case of the petitioner was considered and by a reasoned order same has been rejected. The petitioner even after filing of rejoinder has not assailed the said order.

Be that as it may, keeping in view the fact particularly the order contained in Annexure – ‘C’ which categorically states that none of the candidates having lesser marks than the petitioner have been appointed, I do not find any ground for passing any favourable order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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