

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10647 of 2013

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Gita Kumari D/O Ramhulas Ram, W/O Bir Bahadur Ram R/O Village- Panditpur,
Police Station- Paharpur, District- East Champaran

.... Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary Education Department,
Government Of Bihar, Patna
2. The Principal Secretary Education Department, Government Of Bihar, Patna
3. The Director, Primary Education, Government Of Bihar, Patna
4. The District Magistrate-Cum-Collector East Champaran, Motihari
5. The District Teacher Employment Appellate Tribunal, East Champaran,
Motihari
6. The District Education Officer, East Champaran, Motihari
7. The District Superintendent Of Education-Cum-District Programme Officer
East Champaran, Motihari
8. The Block Education Officer Paharpur Block, East Champaran, Motihari
9. Panchayat Secretary Gram Panchayat Balua, District- East Champaran
10. Mukhiya, Balua Panchayat, District-East Champaran
11. Savita Kumari W/O Umesh Ram R/O Village- Rampurwa Bazar, Police
Station- Gobindganj, District- East Champaran

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Vasudeo Ram, Advocate
For the State	:	Mr. Y.P.Sinha, AAG-7 Mr. Shankar Kumar, AC to AAG-7
For the Private Respondent	:	Mr. D.K. Tandon, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-08-2016

Heard the learned counsel for the petitioner, learned
counsel for respondent No. 11 and the learned counsel for the State.

In the present case, the petitioner is challenging the order
dated 11.04.2013 passed in Appeal Case No. 747 of 2010 by the
District Teachers Employment Appellate Tribunal, East
Champaran, Motihari (respondent No. 5).

The matter relates to the second phase of appointment for the post of Panchayat Teacher in Gram Panchayat Raj Balua, East Champaran. The petitioner and the respondent No. 11 are the members of scheduled caste category.

In the present case, the petitioner as well as respondent No. 11 applied for the post of Panchayat Teacher in Gram Panchayat Raj Balua, East Champaran, reserved for Scheduled Castes Women Category, and all the selected candidates including the petitioner as well as respondent No. 11 participated in the counselling. One Rita Kumari was selected as Scheduled Castes Women candidate but she did not join on the said post. It was decided in the meeting, another meritorious candidate will be given a chance from waiting list and also called all the candidates from waiting list for taking their consent. On the fixed date, the petitioner appeared before the Committee for giving her consent and respondent no. 11 remained absent. As no one appeared except petitioner though certificates of matric pass whereas the respondent no. 11 who is intermediate took the plea that she has better certificate was also present, but showing her absent illegally debarred her.

Respondent No. 11 approached the Tribunal. The Tribunal examined the case found that the appointment of the

petitioner is completely illegal and the appointment of the petitioner has been set aside vide order dated 11.04.2013 passed in Appeal Case No. 747 of 2010.

The Tribunal also directed the concerned authority to appoint respondent No. 11 on the said post after cancelling the appointment of the petitioner.

This Court does not find any error in the impugned order.

Accordingly, this application is dismissed.

(Shivaji Pandey, J)

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