

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5309 of 2013

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Shailendra Kumar Pankaj Son of Sri Awadh Bihari Singh, Resident of Village +
P.O. - Sarsi, P.S. - Paliganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through District Education Officer, Bhojpur, Ara
2. Appellate Authority, District Education Teacher Employment, Bhojpur, Ara
3. B.E.O. Sahar Block, Bhojpur
4. B.D.O. Sahar, Bhojpur
5. Block Secretary, Teacher Employment Unite, Sahar Block, Bhojpur
6. Basant Singh Son of Chandradeo Singh, Ara, Bhojpur
7. Ganesh Prasad Yadav Son of Dev Kumar Yadav Shiwani - Akbabura, Bhojpur,
Ara.
8. Jitendra Kumar Son of Yamuna Singh, Kudwa Tola, Sahar, Bhojpur, Ara
9. Dharmendra Singh Son of Clucta Singh, Resident of Village - Hatimganj,
Bhojpur, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Respondent/s : Mr. Anjani Kumar, AAG X

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-01-2016

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

In this case, the petitioner is challenging the appointment
of Teachers related to 2nd phase which was started in the year 2008.

The claim of the petitioner is that he is a member of the
backward class, applied for the post of Block Teacher in his category,
but treating him in the general category, he has been deprived from
the service whereas other persons who having lesser marks than the
petitioner, have been appointed on the post of Block Teacher.

The petitioner filed an appeal before the Appellate Authority, but the Appellate Authority did not look into the matter and had submitted that as the process of selection has come to an end on 7th April 2011, his application is not maintainable.

The Appellate Authority completely misdirected and misconstrued himself in misconception of law, rejected the application of the petitioner. Even if the Government has declared the process closed, does not mean that right of petitioner has been closed for redressal of his grievance before the Appellate Authority.

This Court finds that the order dated 25th April 2012 passed in Appeal No. 50 of 2011 is completely illegal and the same is set aside. The matter is remanded back to the Appellate Authority with a direction to hear the case on merit after giving due notice to the parties and pass an order in accordance with law.

Accordingly, this petition is allowed.

(Shivaji Pandey, J)

Mahesh/-

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