

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 8394 of 2014

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Arun Kumar, s/o Parmanand Yadav resident of village - Haripur, P.S. Salkhua,
District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The Commissioner, Koshi Division, Saharsa.
5. The District Magistrate, Saharsa.
6. The District Programme Officer, (Establishment), Saharsa.
7. The District (Teachers Appointment) Appellate Authority, Saharsa, P.S. and District - Saharsa.
8. The Block Development Officer, Salkhua, P.S. Salkhua, District - Saharsa.
9. The Block Education Extension Officer, Salkhua, District - Saharsa.
10. The Mukhiya, Gram Panchayat Raj Situaha Prakhand AND P.S. Salkhua, District - Saharsa.
11. The Panchayat Sachiv, Gram Panchayat Raj Situaha Prakhand AND P.S. Salkhua, District - Saharsa.
12. Santosh Kumar S/o Shatrughana Prasad Yadav resident of village - Haripur, P.S. Salkhua, District - Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Respondent/s : Mr. AAG-6-Anjani Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 05-09-2016

Heard counsel for the petitioner and counsel for
the State.

Annexure – 3 is the order, passed by the District
Teachers Employment Appellate Tribunal, Saharsa, who vide
order, dated 18.02.2014 rejected the claim of the petitioner,
seeking quashing of appointment of Respondent No. 12, as a
Panchayat Teacher.



The claim of the petitioner has been considered and rejected on many grounds, including the fact that after much delay, the complaint case had been filed in relation to appointment, which had been made way back in the year 2010 itself.

In the counter affidavit, filed on behalf of the Block Education Officer, the respondent has taken stand that the primary reason for petitioner not having been considered for appointment on the post of Panchayat Teacher is his non-participation in the counseling. If the petitioner chose not to participate and appear in counseling, then obviously, the next man would be appointed on the post and the petitioner cannot be allowed to reopen the issue after many years of such selection and appointment especially when right has already accrued in favour of the private respondent, who has been working uninterruptedly since 2010. These are valid grounds for this Court not to interfere with the impugned order, contained in Annexure-3, dated 18.02.2014.

Writ application is dismissed, summarily.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	06.09.2016
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