

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5927 of 2013

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Rina Kumari Wife of Sanjay Kumar, Resident of Village + Post Mirza Nagar, P.S.
Mahua District Vaishali (Hajipur).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource
Development Department, Bihar, Patna
2. District Magistrate, Vaishali
3. Deputy Development Commissioner, Vaishali
4. District Superintendent Of Education, Vaishali
5. Block Development Officer, Mahua, Vaishali
6. Block Education Extension Officer, Mahua, Vaishali
7. Mukhiya, Gram Panchayat Raj, Bhadwar Block, Mahua District Vaishali
(Hajipur)
8. Panchayat Secretary, Gram Panchayat Raj, Bhadwar Block, Mahua, District-
Vaishali (Hajipur)
9. Soni Kumari Daughter of Vinod Kumar Rai, Resident of Village Bhadwar, Post
Hasanpur Bhadwar Block Mahua District Vaishali (Hajipur)
10. Navneet Kumar Son of Jay Prakash Narayan Yadav, Resident of Village + Post
Kashipur Block Bidupur, District Vaishali (Hajipur).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shanti Pratap, Adv.

For the Respondent/s : M/s A. Ujjwal, Sanjay Paraswani and
Nagadeo Choubey, Advs.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-02-2016

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

In this case, the petitioner is seeking relief of
quashing the order dated 12.08.2009 by which the Appellate
Authority, District Teachers Employment, Vaishali has dismissed the

claim of the petitioner on account of non-production of proof that she has filed an objection against the provisional list.

The petitioner had applied for the post of Panchayat Teacher in second phase but was not appointed as Panchayat Teacher. She has claimed that she was not satisfied the manner she was excluded from the appointment, approached the Tribunal, vide Case No. MVP-2/2009 whereby and whereunder by a cryptic order, the Appellate Tribunal has rejected the claim of the petitioner.

The counsel for the State has submitted that the petitioner has approached this Court after a long period and so much so that he has placed reliance on some paragraph of the counter affidavit where he has taken plea that the petitioner had filed an objection before the authority, not designated.

Having considered the rival contentions of the parties, the order has to be tested what is mentioned therein, it cannot be supplemented and supplanted by filing an affidavit, order itself shows that it is so cryptic, from the first look it appears that the Tribunal has not applied its mind and by a cryptic order, has rejected the claim of the petitioner.

Though there is some delay but looking to the manner the Tribunal has dealt with the issue, this Court finds that the writ petition should not be dismissed merely on the ground of delay.

For the ends of justice, the order dated 12.08.2009 passed in Case No. MVP-2/2009 is set aside and matter is remanded to the Appellate Tribunal to pass a fresh order.

This Court is not giving any opinion on the merit of the case. Accordingly, this petition is **allowed**.

(Shivaji Pandey, J)

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