

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1592 of 2014

In

Civil Writ Jurisdiction Case No. 18158 of 2011

=====

Anuradha Kumari, Daughter of Late Yogendra Prasad, Resident of
Mohalla- Bakarganj, Police Station- Laheria Sarai, District- Darbhanga

.... Petitioner- Appellant

Versus

1. The State of Bihar
2. The District Teacher Employment Appellate Tribunal, Darbhanga through
the Chairman
3. The District Education Officer, Darbhanga
4. The District Programming Officer, Darbhanga
5. The Block Education Officer, Bahadurpur Block, Darbhanga
6. The Mukhia Gram Panchayat, Village- Maniari, Block- Bahadurpur,
District- Darbhanga
7. The Panchayat Secretary, Gram Panchayat, Village- Maniari, Block-
Bahadurpur, District- Darbhanga
8. Shrawan Kumar Mahto, son of Sri Yogi Mahto, Resident of Mohalla-
Mogalpura, Post Office – Lalbagh, Police Station- Darbhanga Town,
District- Darbhanga

.... Respondents- Respondents

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

5 14-12-2016

I.A. No. 9073/2014:

The interlocutory application has been filed for
condonation of delay of one year and 322 days in filing the
appeal.

On a consideration of the facts and
circumstances, the delay in filing the appeal is condoned.

I.A. No. 9073/2014 is, accordingly, disposed of.

The appeal is directed against the order dated
4.5.2012 passed by a learned Single Judge of this Court in



CWJC No. 18158 of 2011 by which the writ application has been dismissed as being without any merit.

It is evident from the materials on the record that the Respondent No. 8 had obtained 75.3% marks in the counselling held on 11.10.2006 whereas the writ petitioner-appellant had obtained only 61.7%. The appointment was on roster point 42 which was meant for extremely backward class to which both the appellant and the respondent No. 8 belong. For the said reason the District Teachers Employment Appellate Authority, Darbhanga had cancelled the appointment of the appellant and directed the appointment of Respondent No. 8.

In the said background the learned Single Judge has also dismissed the writ application.

Learned counsel for the appellant is unable to show how the said finding can be disturbed, that too, in a writ proceeding when obviously the Respondent No. 8 had much higher merit marks than that obtained by the appellant during the counselling although he has sought to argue that the appellant having been appointed and worked on the post for four years and being a lady her appointment should not have been cancelled.

This Court does not consider the same as a valid



ground for not cancelling the appointment which has evidently been obtained on the basis of mal-practice by the appointing authority.

For the aforesaid reasons, we do not find any merit in the appeal. It is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Arun Kumar, J)

U			
---	--	--	--

