

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12855 of 2013

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1. Raj Kishor Poddar Son Of Late Gobardhan Poddar Resident Of Village Kharik Bazar, Yadav Tola, Ward No. 4, Police Station Kharik, District Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Primary And Secondary Education, Government Of Bihar, New Secretariat, Patna
3. Principal Secretary, Panchayat Raj, Government Of Bihar, New Secretariat, Patna
4. Director, Primary Education, Bihar, Patna
5. District Teachers Employment Appellate Authority, Bhagalpur Through Its Member
6. District Programme Officer, Education Department (Establishment), Bhagalpur
7. District Education Officer, Bhagalpur
8. Block Development Officer, Kharik, District Bhagalpur
9. Block Education Officer, Kharik, District Bhagalpur
10. Panchayat Sachiv, Lakmanpur Panchayat, District Bhagalpur
11. Mukhiya, Lokmanpur Panchayat, District Bhagalpur
12. Bhavesh Kumar Singh Son Of Jagarnath Prasad Singh Resident Of Village Kalandi Nagar, Police Station Gopalpur, District Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Vipin Kumar Singh, AC to SC 22
For Pvt. Respondent No. 12	:	Mr. Rajesh Kumar Sinha, Advocate Mr. Dilip Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-09-2016

Heard learned counsel for the petitioner, learned counsel
for the private respondent No. 12 and learned counsel for the State.

In this case, the petitioner is challenging the order dated
06.05.2013 passed in Appeal Case No. 96 of 2009 by the District
Teachers Employment Appellate Authority, Bhagalpur, where two
person namely, Bharat Kishore Rai and the present petitioner have



raised the grievance of their deprivation from their appointment for the post of Panchayat Teacher, which has been rejected by the Tribunal. The petitioner has claimed that he is physically challenged person having 50% handicappedness in locomotive has secured 64.11 % marks but a person who is much below in the percentage has been selected. A grievance was raised by the petitioner that the date of the counseling was fixed on 28.02.2009, but he has not received any notice which was sent to his address on 20.02.2009 and on that, he claims that he did not appear in the counseling.

In the counter affidavit, learned counsel for the State has taken a plea that not only the notice was given to the petitioner through the postal address inasmuch as the notice was circulated through Hindi daily newspaper 'Dainik Jagran'. On perusal of the annexure of the counter affidavit, it is very much clear that the notice has been circulated through newspapers under the authority of Principal Secretary, Human Resources Department, with break up of dates giving complete information with regard to the dates of selections. In such view of the matter, no one can raise a grievance that he or she did not have knowledge of the notice but the petitioner has changed his stand here, has stated that his name was listed in the provisional list but his name is missing in the final list.

Though, he has gone to the school but the Mukhiya has refused to take counseling on the ground that his name was not standing in the final list. A stand which is taken before this Court that he had gone to participate in counselling but Mukhiya did not allow him is inconsistent plea that he had no information regarding counselling, both cannot run together.

In such view of the matter, this writ application does not have any merit. Accordingly, this application is dismissed.

(Shivaji Pandey, J)

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