

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5911 of 2013

Abhay Kumar Chaudhary, Son of Jamadar Choudhary, Resident Of Village-
Dharam Parsa, P.S.- Manjha Garh, District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The District Teachers Employment Appellate Authority, Gopalganj.
5. The District Education Officer, Gopalganj
6. The District Programme Officer, Establishment, Gopalganj
7. The Block Education Extension Officer, Block- Manjha Garh, District-
Gopalganj.
8. The Mukhiya, Gram Panchayat Raj Mahammadpur Nilami, Block- Barauli,
P.S.- Barauli, District- Gopalganj.
9. The Panchayat Nilami, Block- Barauli, P.S.- Barauli, District- Gopalganj.
10. Panchayat Siksha Samittee, Gram Panchayat Raj, Mahammadpur Nilami,
Block- Barauli, P.S.- Barauli, District- Gopalganj.
11. Manoj Kumar Singh Son Of Ram Ratan Singh Resident Of Village- Belsarh,
Post- Belsarh, Block- Barauli, P.S.- Barauli, District- Gopalganj.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

For the Private Respondent: Mr. Umesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-09-2016

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

2. In this case, the petitioner is challenging the

appointment of respondent No.11- Manoj Kumar Singh as Panchayat Teacher.

3. The petitioner is claiming that the name of respondent No.11 was in the third waiting list, whereas his name was in the second waiting list having higher marks than the respondent No.11, but he has been deprived from being appointed as Panchayat Teacher. The Tribunal also directed for the appointment of respondent No.11 without considering the fact that the petitioner is a better situated person in the merit and he should have been appointed, but the aforesaid facts have been ignored by the Tribunal.

4. Learned counsel for the petitioner submits that when the petitioner could know that respondent No.11 has been appointed by order dated 25.12.2011 passed in Appeal Case No.263 of 2011, he filed a review application being Case No.17 of 2012 before the Tribunal, but the Tribunal vide order dated 13.02.2012 refused to interfere with its earlier order by placing reliance of the letter of the Government of Bihar.

5. From a perusal of the orders passed by the Tribunal i.e. order dated 25. 12.2011 passed in Appeal Case No.263 of 2011 and order dated 13.02.2012 passed in Case No.17 of 2012, it appears that

the Tribunal while passing the aforesaid orders has not gone into the facts what was required to be gone into by it and without application of mind has passed the aforesaid orders, which are not sustainable in the eyes of law.

6. In such view of the matter, the orders dated 25. 12.2011 passed in Appeal Case No.263 of 2011 and order dated 13.02.2012 passed in Case No.17 of 2012 are hereby quashed. The matter is remanded back to the Tribunal for deciding the same afresh. The Tribunal is directed to decide the matter in accordance with law after giving notice and after hearing both the parties.

7. With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	03.10.2016
Transmission Date	