

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1952 of 2016

In

Civil Writ Jurisdiction Case No.3301 of 2013

Kumari Lalmati wife of Shri Radha Raman Singh resident of Village Govindih, P.S.- Piro, District- Bhojpur.

... .. Appellant

Versus

1. The State of Bihar through Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The District Teacher Niyojan Appellate Tribunal, Bhojpur (Near Circuit House, Ara) through its Chairman.
3. The District Magistrate, Bhojpur, Ara.
4. The Block Development Officer, Piro, District- Bhojpur, Ara.
5. The Block Education Officer, Piro, District- Bhojpur, Ara.
6. Gram Panchayat, Kataria District Bhojpur through its Panchayat Secretary.
7. Shila Kumari wife of Shri Nirmal Kumar Singh Resident of Village Inarpatpur, Post Office, Pachrukha, P.S.- Piro, District- Bhojpur, Ara.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Satyabir Bharti, Advocate

For the Respondent/s : Mr. Shashi Shekhar Tiwary, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 14-12-2017

Delay of 36 days is condoned. I.A. No. 8211 of 2016 is allowed. Matter is thereafter taken up on merits.

Counsel for the appellant is aggrieved by the order dated 25.07.2016 passed by the learned single Judge who dismissed the writ application refusing to interfere with the order of the Tribunal which found that the appellant was appointed even though she had only 51.80% marks whereas respondent No.7 had 59.11% marks



on the post of Panchayat Teacher. The categorical finding of the Tribunal is that it was a spacious ground on which the private respondent was not allowed to participate in the counselling, in fact, a sham of counselling was held on a plain register and later on she was told that she has no participated in the counselling by producing the original register.

This Court is not unmindful of such fraud having been played by the Mukhiyas and the Panchayat Secretaries of large number of Gram Panchayats where for considerations, extraneous to merit, people with lesser marks came to be selected and appointed and the reason offered for non-selection of more meritorious candidate was their non-participation in counselling.

The farce which has been played in a case like this can no longer be overlooked and if the learned single Judge is in agreement with the finding of District Teachers Employment Appellate Authority that the appointment of this appellant was illegal and erroneous then this Court is not convinced that the ground of non-participation in the counselling should come in the way of the appointment of the private respondent.

The finding of fact being concurrent both before the Tribunal and before the learned single Judge, this Court refuses to interfere with the order of the learned single Judge dated 25.07.2017.



Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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