

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.401 of 2016

In

Letters Patent Appeal No.439 of 2014

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1. Lakhindra Kumar Nirmal Son of Jagdish Bhagat resident of Village & P.O. Chorma,
P.S. Pakridayal, District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The District Education Officer, East Champaran.
3. The District Programme Officer (Establishment), East Champaran.
4. The Block Education Officer, Pakridayal, East Champaran.
5. The Mukhiya, Gram Panchayat Raj Sirha, East Champaran.
6. The Panchayat Secretary, Gram Panchayat Raj Sirha, East Champaran.
7. The Member District Teachers Employment Appellate Authority, East Champaran.
8. Satyendra Kumar Son of Ramchandra Thakur resident of Village & P.O. Chorma,
P.S. Pakridayal, District- East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III

For the Respondent/s : Mr. Kumar Manish, SC 5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 27-04-2017

Heard counsel for the petitioner and counsel for the
State.

The delay of 148 days in filing the review application is
condoned. I.A. No.7201 of 2016 is allowed and the matter is
thereafter taken up on the merits.

Despite a detailed argument having been made by
learned counsel for the petitioner he has not been able to explain the
dichotomy on his engagement as an Instructor of non-formal
education six months prior to he having become a matriculate. If such



engagement or hiring is a suspect and not supported by law because the position in question was under the State, no minor could be engaged as a non- formal Instructor at the age of 14 years. This is the primary reason why the Division Bench set aside the appointment of the present petitioner and also found things amiss in the manner in which the so-called certificate of experience was obtained and used for the purpose of appointment as a Panchayat Teacher.

If these facts cannot be wished away and cannot be explained otherwise then the direction of the Division Bench to hold a fresh counselling cannot be said to be erroneous, which is required to be reviewed.

The Court, however, refuses to review the impugned order dated 08.03.2016 because there is neither any error apparent on the face of record nor does it suffer from any infirmity in law visible on the face of the record.

Review application is dismissed as there is no merit in the same.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

sk

AFR/NAFR	NAFR
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