

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1124 of 2014
IN
Civil Writ Jurisdiction Case No. 23147 of 2011**

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Kishore Kumar son of Dinesh Prasad Mandal Resident of Village- Dhibra Bazar,
P.S.- Barhara Kothi, District- Purnea

.... Appellant/s

Versus

1. The State of Bihar
2. Director, Primary Education, Human Resources Department, Bihar, Patna
3. The Deputy Director, Primary Education, Human Resources Department, Patna, Bihar
4. The District Superintendent of Education, Katihar
5. The Block Development Officer, Balrampur, P.S. Balrampur, District- Katihar
6. The Block Education Officer, Balrampur, P.S. Balrampur, District- Katihar
7. The Headmaster, Primary School, Kirora, P.S.- Balrampur, District- Katihar
8. The Panchayat Samittee througy Mukhiya Gram Panchayat Raj, Kirora, P.S.- Balrampur, District- Katihar
9. The Panchayat Secretary, Panchayat Raj Kirora, P.S.- Balrampur, District- Katihar
10. The Mukhiya Gram Panchayat Raj Kirora, P.S.- Balrampur, District- Katihar
11. The District Teachers Selection Appellate Authority, Katihar
12. Manoj Kumar Mandal son of Sri Kirtyanand Mandal, resident of village- Khaira, P.O. Khaira, P.S. Falka, District- Katihar

.... Respondents

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Appearance :

For the Appellant : Mr. Md. Rahmatullah, Advocate

For the Respondent State: Mr. R.B.N.Singh, AC to GA-10

For the Respondent No.12 : Mr. Sushanta Kumar Das, Advocate

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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: 10-04-2017

Heard counsel for the parties.

On the basis of a letter dated 20th July, 2009 issued by
the Block Development Officer of Balrampur Block, the Panchayat
Secretary, Gram Panchayat Raj, Kirora, district Katihar, cancelled



the appointment of the private respondent, who was petitioner before the learned single Judge. The said order of the Panchayat Secretary was dated 04.12.2011. The private respondent, therefore, chose to file a writ application and he sought quashing of the order dated 04.12.2011 of the Panchayat Secretary and the letter dated 20th July, 2009 of the Block Development Officer.

After having given considered opinion to the dispute, the learned single Judge opined and his finding emerges from paragraph 6, which reads as under :

“6. From the facts and circumstances of the case and on the basis of the submission made on behalf of the parties, it would transpire evidently the impugned letter dated 4.12.2011 has been issued without any authority. After the dispute having been finally decided by the District Teachers Employment Appellate Authority, Katihar, the Panchayat Secretary did not have the jurisdiction to take a different view. In the impugned letter dated 4.12.2011 it has been mentioned that the said letter was being issued to ensure compliance of the order passed this Court in CWJC No. 11784 of 2007. No order has been brought before this Court passed in CWJC No. 11784 of 2007 which was required to be complied with by the said letter. The said writ application was disposed of with the simple observation that the petitioner shall have the liberty to approach appropriate authority for



disposal of his representation.”

If in this background, the learned single Judge allowed the writ application, in the opinion of this Bench he has committed no illegality either of fact or of law in extending the relief to the private respondent No.12.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
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