

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6372 of 2012

1. Sujata Kumari, daughter of Sri Narendra Narain Singh, resident of Village + P.O. Nauhatta, P.S. Nauhatta, District- Saharsa.
2. Md. Harun Rashid, S/O Abdul Gani, resident of Village- Nunnupatti, P.O. Sukhpur, P.S. Supaul, District Supaul, E.B.C. Category With 67.50 On Urdu.
3. Punam Kumari, daughter of Sri Deo Narayan Yadav, resident of Village + P.O. Sattar, P.S. Bihra, District- Saharsa.
4. Kamlesh Kumar, Son of Sri Dukha Ram, resident of Village - Kharka Telwa, P.O. + P.S. Nauhatta, District- Saharsa, B.C. Category with 68.77%.
5. Anjani Anand, Son of Sri Sambhu Prasad, resident of Village - Belha, P.O. Chandraur, P.S. Saur Bazar, District- Saharsa, General Category With 73.33%.
6. Raman Kumar, C/O Sri Mohan Prasad Singh, resident of Village- Sakarpura, P.S. + District - Madhepura, General Category with 74.66%.
7. Ritesh Kumar, Son of Sri Lal Prasad, resident of Village+P.O. Nauhatta, P.S. Nauhatta, District- Saharsa, General Category with 71.44%.
8. Prabha Kumari, daughter of Sri Ram Chandra Choudhary, resident of Village + P.O. Nauhatta, P.S. Nauhatta, District- Saharsa, B.C. Category with 63.11 %.
9. Shakuntala Kumari, C/O Sri Dhanik Das, resident of D.B. Road, Ply Lane, Saharsa, E.B.C. Category with 55.11%.
10. Bandana Kumari, daughter of Sri Madhav Shah, resident of Village- Sakarpura, P.S. + District- Madhepura, General Category with 65.66%.
11. Ranju Kumari, daughter of Bhagwat Choudhary, resident of Village + P.O. + P.S. Nauhatta, District- Saharsa, General Category with 64.66%.
12. Indradeo Kumar, Son of Sri Jay Narain Yadav, resident of Village= Muhrotola, P.O. Gangpur, P.S. Murliganj, District - Madhepura, B.C. Category.
13. Harerai Choudhary, Son of Sri Radi Choudhary, resident of Village + P.O. + P.S. Nauhatta, District - Saharsa, General Category with 78.77%.
14. Neelmani Gautam, Son of Sri Shambhunath Singh, resident of Village + P.O. + P.S. Nauhatta, District Saharsa, General Category with 78.22%.
15. Bebi Kumari, daughter of Sri Upendra Kunwar, resident of Village + P.O. Majhaul, P.S. Bihra, District Saharsa, General Category with 65.33%.
16. Usha Kumari, C/O Sri Surendra Prasad Gupta, Cloth Shop, P.S. Nauhatta, District- Saharsa, General Category with 64.88%.
17. Kumari Sangeeta, C/O Sri Surya Narayan Rai, resident of Village + P.O. + P.S. Bihra, District - Saharsa, E.B.C. Category with 50.00%.
18. Rubee Kumari, daughter of Sri Nagendra Narain Singh, resident of Village- Sahidih, P.O.+P.S. Nauhatta, District- Saharsa . General Category with 70.44%.
19. Julie Kumari, daughter of Sri Kaleshwar Prasad Singh, resident of Village- Gaurpar, P.O.+P.S. Nauhatta, District Saharsa, General Category with 64.44%.
20. Ravindra Ram, Son of Sri Chandeshwari Ram, resident of Village- Menha, P.O. Mehnakhadipur, Via- Pangachia, P.S. Bihra, District-



Saharsa, S.C. Category With 57.88%.

21. Sunita Kumari, daughter of Choti Raut, resident of Village- Gopipur, P.O. + P.S. Nauhatta, District Saharsa, S.C. Category with 52.04%.
22. Juhi Kumari, daughter of Bijay Kumar Pandey, resident of Village- Gandaul, P.O. Majhaul, P.S. Bihra, District Saharsa, General Category with 60.11 %.
23. Shashidhar Kumar Suman, Son of Sri Sheonarain Gupta, resident of Village- Parsaha, P.O. Nariyar, P.S. + District - Saharsa, General Category with 70.55%.
24. Punam Kumari Das, daughter of Sri Manoj Kumar Das, D.B. Road, Ply Gali, Saharsa, E.B.C. Category with 56.88%.
25. Aasha Kumari, daughter of Sri Gunjeshwar Shah Gandhipath, District Saharsa, B.C. Category with 50.33%.
26. Javed Khtar, C/O Md. Jahid Hussain, resident of Village- Majhaul, P.O. Shahpur, P.S. Nauhatta, District Saharsa, General Category with 69.00% on Urdu Seat.
27. Bibi Nahida Akhtari, daughter of Md. Gaysuddin, resident of Village + P.O. Nauhatta, Distt- Saharsa, General Category with 55.16% on Urdu.
28. Rukmani Devi, daughter of Sri Prabhunarain Ray, resident of Village + P.O. + P.S. Nauhatta, District- Saharsa, E.B.C. Category with 47.11%.
29. Vivekanand Singh, S/O Sri Sachidanand Singh, resident of S.M. Carmel School, Kunwar Tola, Ganmgjala, District- Saharsa. General Category with 71.88 %.
30. Radhey Shyam Kumar, Son of Sri Sudhir Pandey, resident of Village + P.O. + P.S. - Bihra, District - Saharsa. General Category with 62.11%.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The District Teachers Appointment Appellate Authority, Saharsa through its Member.
3. The District Magistrate, Saharsa.
4. The District Education Officer, Saharsa.
5. The Block Development Officer, Nawahata.
6. The Mukhiya, Gram Panchayat Raj- Nauhatta Purvi Block- Nauhatta, District- Saharsa.
7. The Panchayat Secretary, Gram Panchayat Raj- Nauhatta, Block- Nauhatta, District- Saharsa.
8. Smt. Abha Singh, Member Panchayat Samittee, Gram Panchayat Raj- Nauhatta Purvi, Block- Nawhatta, District- Saharsa.
9. Mohan Jha, District Vice President-cum-20 Point Member, Nauhatta, District- Saharsa.

.... Respondents

Appearance :

For the Petitioners : Mr. Rajendra Prasad Singh, Senior Advocate
and Mr. Mukesh Kumar Singh, Sr. Advocate.
For the State : Mr. Dinesh Maharaj, A.C. to A. A.G. 11.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER



8 27-11-2017 Heard learned senior counsel for the petitioners and learned counsel for the State.

The order under challenge is dated 27.01.2012 as contained in Letter No. 235-4 (Annexure-1) to the present writ application, issued by the respondent no. 4, District Education Officer, Saharsa, in pursuance to the direction of the respondent no. 3, District Magistrate, Saharsa, and the enquiry made by the respondent no. 2, the District Appellate Authority, Saharsa, on the basis of direction of the Lokayukta.

The entire panel prepared for appointment of Panchayat Teachers in Gram Panchayat, Nauhatta Purvi, Block-Nauhatta, District-Saharsa, was directed to be cancelled for the reasons that the roster had not been followed and no transparency was being kept while making appointment of such Panchayat Teachers including the petitioners.

The facts stated in Annexure-1 regarding not following roster is disputed by the petitioners. It is submitted that there has been no illegality or irregularity in appointment of the petitioners as Panchayat Teachers.

It is further submitted on behalf of learned senior counsel for the petitioners that no one aggrieved applicants has filed any such complaint. The complaint was made by respondent



no. 8 who is the member of a Panchyat Samittee.

Considering the submissions made on behalf of the petitioners, the disputed facts can not be decided in the writ jurisdiction. Hence, it would be appropriate that the petitioners should prefer an appeal against Annexure-1 before the District Appellate Authority, Saharsa, within a period of thirty days from the date of the order who shall dispose of the application of the petitioners within the statutory period in accordance with law giving an adequate opportunity to all the concerned parties.

It has been submitted by learned senior counsel for the petitioners that the petitioners were granted interim relief by this Court on 04.04.2012. The petitioners will be at liberty to file a separate application before the District Appellate Authority, Saharsa, if so advised, for any interim relief during the pendency of the appeal, within a period of ten days from the date of filing of the appeal. The said application filed by the petitioners shall be disposed of within a period of twenty days.

With the aforesaid observations and directions, the present writ application stands disposed of.

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(Sudhir Singh, J)

