

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1601 of 2014
IN
Civil Writ Jurisdiction Case No. 7609 of 2010**

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Helen Murmu, daughter of Lukab Murmu, resident of village- Dumaria, P.O. - Jhuapani, P.S- Bausi, District- Banka

.... Appellants

Versus

1. The State of Bihar through Secretary, Human Resources Development, Government of Bihar, New Secretariat, Patna.
2. The Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna
3. The Director [Primary Education], Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
4. The District Education Superintendent- Cum- District Programme Coordinator, Banka, Bihar.
5. The District Education Superintendent, Banka, Bihar.
6. The Block Development Officer, Bausi, Banka, Bihar.
7. The Circle Officer, Block Bausi, District- Banka, Bihar.
8. The Panchayat Secretary, Chilkara Panchayat, Bausi Block, District- Banka, Bihar.
9. The Chairman, the District Teacher Appointment Appellate Tribunal, District- Banka.
10. Murshi Murmu, son of Late Lal Marmu, resident of village- Jhiktivram, P.O. & P.S.- Bausi, District - Banka.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Sanjeet Kumar, Advocate

For the Respondent/s : Mr.

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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: 10-05-2017

Appeal is against the order dated 06.08.2014,
passed by the learned Single Judge in C.W.J.C. No. 7609 of
2010 since the writ application of the petitioner, who is the
appellant herein, was dismissed refusing to interfere with the



order of the District Teacher Employment Appellate Authority, which too had rejected the claim of the appellant for consideration and appointment on the post of Panchayat Teacher.

In paragraph 6, the learned Single Judge has this to say :

“I do not find any reason to go into that question as the finding of the appellate Tribunal that petitioner did not participate in the counselling could not be shown to be perverse by the petitioner on the basis of pleading in the writ application and the supplementary affidavit. As a matter of fact, along with the counter affidavit filed on behalf of the District Superintendent of Education, a copy of the counselling register has been brought on record to demonstrate that the petitioner did not participate in the counselling. This is a disputed question of fact as to whether the petitioner in fact participated in the process of counselling or not. This cannot be adjudicated upon in a writ proceeding.”

With the finding as above, there is no material as such which can belie the above finding emerging even at this stage. Impugned order is not required to be interfered



with. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
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