

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.48 of 2015

IN

Civil Writ Jurisdiction Case No. 11013 of 2010

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Arun Kumar Singh Son of Sri Loknath Singh Resident of Mohalla -
Gaurakshani, Sasaram, P.O. & P.S. - Sasaram, District - Rohtas.

.... Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department,
Government of Bihar, Patna.
3. District Magistrate, Kaimur at Bhabhua.
4. District Superintendent of Education, District - Kaimur, Bhabhua.
5. Block Development Officer, Chainpur.
6. Gram Panchayat, Nand Gaon through its Mukhiya Nand Gaon
Panchayat, District - Kaimur, Bhabhua.
7. Panchayat Secretary, Nand Gram Panchayat, Chainpur, District -
Kaimur.
8. The District Teacher Employment Appellate Tribunal, Kaimur through
its Secretary District Teacher Employment Appellate Tribunal, Kaimur,
Bhabhua.

.... Respondents

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Appearance :

For the Appellant : Mr. Jitendra Prasad Singh, Advocate
For the State : Mr. Raghwendra Kumar, SC-22
Mr. Rajesh Roy, AC to SC-22
For the Respondents: Mr. S.B. Jha, Advocate
Mr. Shyam Bihari Singh, 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: 17-05-2017

Heard learned counsel for the appellant and
learned counsel for the State.

Perused the order dated 26.08.2014 of the
learned Single Judge. Since the writ application has been
dismissed without interfering with the impugned order
dated 27.04.2010, passed by District Teacher Employment



Appellate Authority, Kaimur in Appeal No. 217 of 2010, the present Letters Patent Appeal has been filed.

The background to the present dispute was that the appellant was initially appointed as Panchayat Teacher on 09.02.2007 under the Nandgaon Gram Panchayat. However, the complaints and grievances were raised against such selection to the Block Development Officer who cancelled all the appointments and directed holding of a fresh counselling, a second time. Under the second counselling appellant lost out and persons with more merit came to be appointed.

The learned Single Judge has categorically taken note of the fact that no person inferior in merit has got selected on the basis of fresh selection process.

The other contention of the appellant is that if the first appointment itself had not been annulled and he had not been given notice the second counselling could not be held.

The learned Single Judge has rightly held that the cancellation was done by the appellate authority i.e. the Block Development Officer, and the said cancellation was in entirety and not selectively, besides the present appellant participated in the process of selection and then lost out, therefore he cannot make grievances thereafter



as it is not permissible in law. The reasons given by the learned Single Judge for dismissing the writ application was a valid reason.

Thus, we find no merit in this Letters Patent Appeal, it is, accordingly, dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/NAFR

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