

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1824 of 2015

IN

Civil Writ Jurisdiction Case No. 12152 of 2010

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1. Ghezala Khanam D/o Md. Muslim
2. Md. Afroz Khan Son of Md. Ali Sher Khan Both Resident of village - Bhada Kalam, P.O. Mohiaddinpur, District - Siwan

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Development Department (Now Education Department, Government of Bihar, Patna
2. The District Magistrate, Siwan
3. The District Education officer, Siwan
4. The District Superintendent of Education, Siwan
5. The Block Development officer, Siwan, Sadar, Block, Siwan
6. The Block Education Extension officer, Siwan, Sadar, Siwan
7. Shamsheer Ali Khan S/o Md. Muslim R/o village - Bhada Kalam, P.O. Mohiaddinpur, District - Siwan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Seema Ghazala, AC to GA-8
For the Respondent/s : Mr. Ashok Kumar, 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: 23-01-2017

Delay of 220 days is condoned.

In the interest of justice, I. A. No. 8148 of 2015 is
allowed.

Heard counsel for the appellants as well as counsel for
the State.

Learned Single Judge has dismissed the writ
application, refusing to interfere with the order of the District



Teachers Employment Appellate Tribunal, Siwan primarily on two grounds. One that the allegation made by the appellants that people with lesser percentage of marks had been appointed as Urdu Teacher either in Panchayat or in Block, was not established by the appellants before the District Teachers Employment Appellate Tribunal or before the Learned Single Judge.

The second ground, on which the writ application has been dismissed, is that none of the teachers, who were appointed, were necessary parties, were impleaded as party respondents. Therefore, it was a case of non-joinder of necessary parties.

Both the grounds are valid grounds for dismissing the writ application as well as not interfering with the order of the Tribunal.

In view of the same, no interference is warranted with the order, dated 24.12.2014, passed in C. W. J. C. No. 12152 of 2010.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
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