

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.254 of 2014**

**IN**

**Civil Writ Jurisdiction Case No. 10212 of 2001**

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Sri Kashi Nath Singh S/O Late Ram Padarath Singh R/O Village- Sahadi, P.O.-  
Puraina, P.S. Amnaur, District- Chapra (Saran)

.... .... Appellant

Versus

1. The State of Bihar through the Secretary, Department of Education, Primary, Secondary and Mass Education Department, Government of Bihar, New Secretariat, Patna
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna
3. The Regional Deputy Director of Education, Saran Division, Chapra

.... .... Respondents

With

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**Letters Patent Appeal No. 964 of 2013**

**IN**

**Civil Writ Jurisdiction Case No. 8942 of 2001**

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Sri Bhagwan Singh S/O Sri Dhup Lal Singh R/O Village- Bankarwa Bhaw, P.S.-  
Parsha, District- Saran (Chapra)

.... .... Appellant

Versus

1. The State of Bihar through the Secretary, Department of Education, Primary, Secondary and Mass Education Department, Government of Bihar, New Secretariat, Patna
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna
3. The Regional Deputy Director of Education, Saran Division, Chapra

.... .... Respondents

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**Appearance :**

(In both cases)

For the Appellant : Mr. Vikas Kumar, Advocate

For the Respondents : Mr. Lalit Kishore, Principal AAG-1

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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: 10-01-2017

Both the appeals are heard together because they arise  
out of common background of facts.



Way back on 11.12.1990 a panel was prepared for appointment of Assistant Teachers in the basic schools in the district of Chapra. Appointments came to be made of 110 candidates from the panel of 150. After the appointments certain hue and cry was raised that those appointments were not done strictly in order of merit of the panel, large scale manipulations were done. This led to certain litigations and in one of those cases the High Court directed a vigilance enquiry. The Vigilance did find the allegations of nepotism true, in the manner in which such appointments came to be made. That should have been good enough for setting the things to naught, but for one reason or the other and keeping in mind that these appointments came to be made in the year 1992 no order was passed for removal of such persons, who came to be appointed in unfair manner. That is the story so far insofar as those appointed are concerned.

In the two appeals the assertions of the petitioners of the writ application, who also happen to be appellants here, that they should be given an opportunity by revising the panel because they have higher marks than some of the people who have been appointed by manipulating things. They have a right for consideration and appointment.

Some observations and directions were passed in the



batch of the writ applications on 25.07.2012, which is also impugned, giving a leeway or opening to the Department of Education to consider the issue. These two appellants are not satisfied with such direction and they want an emphatic order in their favour for their appointment. The challenge to the impugned orders in the two appeals are limited.

The Court fails to appreciate the assertion of the counsel for the appellants for one to many reasons. If the vigilance has found that those appointments had been manipulated and are tainted, then the remedy should have been to eliminate those appointed in that fashion. The Court is informed by the learned Principal Additional Advocate General No.1 that a large number of candidates have been identified and have been terminated, which has led to another round of litigations, but that is another matter. So far as these appellants are concerned, there cannot be any direction for their appointment in relation to a panel of the year 1990 since the formality of appointment had been completed in the year 1992 itself and the panel lost its validity by exhausting itself. Since the life of a panel is limited and the law is well settled that once the appointment is made the panel loses its force, there is no occasion for this Court now, in the above controversial circumstances to give direction to revive the panel, on the basis of the finding of the vigilance, and allow



reworking of the panel to accommodate these appellants to the post of Assistant Teachers.

The expectations are misplaced. The law does not support the appellants. No interference is, therefore, required to be made with the impugned judgment and order. The appeals are dismissed.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

Pawan/-

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