

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1264 of 2014
IN
Civil Writ Jurisdiction Case No. 11211 of 2011**

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Meera Kumari Wife of Mahesh Prasad Thakur resident of village - Madhubani,
P.O. Patahi, District – Muzaffarpur

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The District Superintendent of Education, Nalanda
5. The Block Education Officer, Nagarnausha, District - Nalanda
6. The Panchayat Secretary, Gram Panchayat Damodarpur, Baldha
7. The Head Master/Head Mistress, Primary School Shahpur, Damodarpur Baldha, Nagarnausha, District - Nalanda
8. The Mukhiya, Gram Panchayat, Damodarpur, Baldha District - Nalanda

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Dinu Kumar, Advocate Ms. Ritika Rani, Advocate Mr. Arvind Kumar Sharma, Adv.
For the Respondent/s	:	Mr. R. B. P. Yadav, A.A.G.-11 Dr. Sanjay Kumar Singh, AC to A.A.G.-11

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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: 20-04-2017

Heard learned counsels for the parties.

The impugned order is dated 24.09.2012. The writ
application of the appellant was dismissed vide this order by the



Learned Single Judge, holding that her appointment on the post of a Panchayat Teacher was invalid, because she had obtained the so called training from an unrecognized institution, which had no value and credence in the eye of law.

A plea was taken that the decision has been passed by the Tribunal without giving an opportunity of hearing and, therefore, the principles of natural justice was violated.

The Learned Single Judge refused to bite that line of argument for the reason that the appellant had no explanation to offer with regard to the validity of the training certificate. The Learned Single Judge, therefore, opined that even if an opportunity of hearing is given to the appellant by remanding the matter back, the end result even before the Tribunal will remain the same. Therefore, it will be a futile kind of exercise and unnecessarily burdening the system with unwanted litigation.

Even today, the Court was willing to consider the matter with open mind if there was any evidence to show that there was recognition and validity to the training certificate based on which the appellant had obtained employment.

Since the facts did not alter and remain the same, therefore, the Learned Single Judge was absolutely correct in refusing to quash the order of the Tribunal and relegating the parties back because it would be an exercise in futility and no prejudice has been shown to have been caused to the appellant.



Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
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