

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1567 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 10462 of 2013**

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Manoj Kumar Sah, Son of Sri Bhavishya Sah, Resident of Laxmipur, Ward No. 16,
P.S. + P.O. - Rosera, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Patna.
3. The Collector, Samastipur.
4. The District Education Officer, Samastipur.
5. The District Programme Officer (Establishment), Samastipur.
6. The Block Education Officer, Rosera, Samastipur.
7. Ram Bali Singh, Son of Late Janardan Singh, Panchayat Teacher, Primary School, Easmalia, Thatiya, Block - Rosera, District- Samstipur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Chandra, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-06-2017

Seeking exception to an order dated 19.11.2014 passed
by the learned Writ Court in C.W.J.C. No. 10462 of 2013, this appeal
has been filed under Clause 10 of the Letters Patent.

In the matter of fixation of seniority in the cadre of
Panchayat Teacher, appellant claims the benefit of seniority mainly
on the ground that appellant was appointed at an earlier point of time
than Respondent No. 7. It was stated that appellant was appointed on



12.12.2006 and as Respondent No. 7 was appointed on 16.08.2010, appellant should rank senior to Respondent No. 7. However, this claim has been rejected by the learned Writ Court by holding that there is no rule governing seniority. The seniority is determined on the basis of ranking of a person treating them to be Trained Teachers or Untrained Teachers. The learned Writ Court found that when the appellant was appointed on 12.12.2006, the appellant merely had a higher qualification but was an untrained teacher and successfully passed the Primary Teachers Evaluation Examination only in the year 2010, much after the appointment of Respondent No. 7 who had already passed the Teachers Training Examination in the year 2008. Holding that a trained teacher has to be granted seniority over and above an untrained teacher being the guidelines issued by the Government, the writ petition has been rejected.

In doing so, we are of the considered view that the learned Writ Court has not committed any error. Admittedly, the appellant was an untrained teacher and the seniority of the appellant is determined based on the period when the appellant passed the Teachers Training and Evaluation Examination and if Respondent No. 7 was a trained teacher and considering the same he has been granted seniority, we find no error in the same warranting consideration.



The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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