

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1929 of 2015

In

Civil Writ Jurisdiction Case No.16060 of 2011

Uday Prakash son of Sri Hriday Narayan Singh, Resident of village-
Meghratwara P.S.- Piar, District- Muzaffarpur

... .. Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resources, Government of Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The District Education Officer, Muzaffarpur
5. Member, District Teacher Engagement Appellate Authority, Muzaffarpur
6. Block Education Extension Officer, Bandara, Muzaffarpur
7. Mukhiya, Sundarpur Ratwara Panchayat Block- Bandara, District- Muzaffarpur
8. Rajeev Kumar son of Sheo Chandra Thakur, Resident of Gram Panchayat Sunderpur, Ratwar Block Bandara, District- Muzaffarpur
9. Rajesh Kumar son of Sri Raj Mangal Prasad Thakur Resident of Gram Panchayat Sunderpur, Ratwar Block Bandara, District- Muzaffarpur

... .. Respondents

Letters Patent Appeal No. 1939 of 2015

In

Civil Writ Jurisdiction Case No.15883 of 2011

Vibha Kumari @ Vibha Sahani Wife of Sri Ganesh Sahani Resident of
village- Meghratwara P.S.- Piar, District- Muzaffarpur

... .. Appellant

Versus

1. The State of Bihar
2. The Secretary, Department of Primary and Adult Education, Government of Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The District Superintendent of Education, Muzaffarpur
5. Member, District Teacher Engagement Appellate Authority, Muzaffarpur
6. Block Education Extension Officer, Bandara, Muzaffarpur
7. Mukhiya, Sundarpur Ratwara Panchayat Block- Bandara, District- Muzaffarpur
8. Rajeev Kumar, son of Sheo Chandra Thakur, Resident of Gram Panchayat Sunderpur, Ratwar Block Bandara, District- Muzaffarpur
9. Rajesh Kumar, son of Sri Raj Mangal Thakur Resident of Gram Panchayat Sunderpur, Ratwar Block Bandara, District- Muzaffarpur

... .. Respondents

Appearance :

(In both cases)

For the Appellant :

Mr. S.B.K.Mangalam, Advocate
,Mr. Rakesh Ranjan, Advocate

For the Respondent State:

AC to AAG-15



CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 08-09-2017

Both the appeals were taken up together, heard together because they arise out of a common order passed by the learned single Judge in two different Civil Writ Jurisdiction Cases, which were clubbed and heard together.

The impugned order is dated 26.02.2014. The writ applications of the appellants came to be dismissed. The learned single Judge refused to interfere with the order of the District Teachers Employment Appellate Authority, Muzaffarpur, because in a very detailed kind of consideration and decision rendered by the Member, District Teachers Employment Appellate Authority, the finding of wrongdoing on many counts have been dealt with in detail.

The conclusion with regard to the wrongdoings have been crystallized in paragraph 26 of the order of the Tribunal. The narration of other details are in the previous paragraphs of the said decision.

The sum essence why the District Teachers Employment Appellate Authority decided to annul or not interfere with the decision of removing the selected candidates is based on the



ground that if the process for selection has not been done in a fair and objective manner then entire selection becomes vitiated. There is no occasion to go into the individual merits of each and every candidate thereafter.

The learned single Judge while dealing with the order of the District Teachers Employment Appellate Authority has also taken note of the details, in his order. Since he was also convinced that the selection exercise had not been done in a fair manner, therefore, any appointment which was an outcome of that exercise also carries the taint and becomes vitiated. That was the reason why the learned single Judge did not get taken in by the argument that once these persons who were selected and appointed as a Panchayat Shiksha Mitra cannot be touched after they became a Panchayat Teacher on the notional date of 01.07.2006.

The logic of the learned single Judge is that what is borne out of taint will remain so and nobody can be permitted to derive benefit. No seal of approval can be given to such kind of dishonest exercise of selection and that too in the public domain.

The decision of the learned single Judge, therefore, has to be read in entirety of the facts and the finding made by the Tribunal, as well as noticed by him, which in our opinion does not require to be interfered with.



Both the appeals, therefore, stand dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

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