

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.274 of 2014
IN
Civil Writ Jurisdiction Case No. 4874 of 2008**

=====

Zeena Parvin Wife Of Md. Sanerul Haque Resident Of Village- Gobindpur, P.O.-
Hatbalrampur, P.S.- Abadpur, District- Katihar

.... Appellant/s

Versus

1. The State Of Bihar
2. The Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Director, Primary Education, Government Of Bihar, Patna
4. The District Magistrate, Katihar
5. The Deputy Development Commissioner, Katihar
6. The District Superintendent Of Education, Katihar
7. The Block Development Officer, Barsoi, Katihar
8. The Block Education Extension Officer, Barsoi, Katihar
9. The Mukhia, Gram Panchayat, Nalsor, Barsoi, Katihar
10. The Secretary, Gram Panchayat, Nalsor, Barsoi, Katihar
11. Najera Khatun D/O Md. Taiyab Ali Resident of Nalsor Barsoi, District- Katihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ravi Shankar Ganguli
Mr. Md. Imtiyaz hussain

For the Respondent/s : Mr. Anjani Kumar

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 23-03-2017

Heard learned counsel for the parties.

The order, dated 18.07.2013, passed by the Learned Single Judge is matter of challenge in the present Letters Patent Appeal. The writ application, filed by the present appellant, was dismissed, since the Learned Single Judge refused to interfere with the appointment of private-respondent no. 11 on the post of a



Panchayat Teacher.

The appellant had earlier approached the District Teachers Employment Appellate Tribunal against the selection of Respondent No. 11 and rejection of the claim of the appellant. The case was heard and decided on 24th of April, 2009 in Appeal Case No. 617 of 2009. Since the decision of the Tribunal was against the present appellant, the writ application was filed, where also appellant lost, and, therefore, the appeal.

The whole edifice of the argument being built against the decision of the Tribunal and especially the Learned Single Judge is that the private-respondent no. 11 was not qualified to be appointed on 14.03.2007 as a Panchayat Teacher, because her results had not been declared. She had failed in the examination, which was initially declared by Bihar State Madarsa Board. Subsequently, she obtained some kind of correction whether by the Madarsa Board or by herself, is not evident, because in one of the papers from zero, the marks went up to 77 and the total had been corrected by pen. This according to the counsel for the appellant is not permissible.

To further fortify the submission that the result of the private-respondent was not in order on the date she was appointed, he places emphasis on the information, which was given to her under Right to Information Act. In the said information, provided on 16.10.2007, it was indicated that the Madarsa Board had declared



the result of the private-respondent, which was pending only on 05.09.2007.

Two facts are of significance, one, which, even the Learned Single Judge has noticed in his order that this mark-sheet of the private-respondent was sent for verification before the Madarsa Board. The Madarsa Board certified the correctness of the said result. Therefore, question, raised, about the authenticity of the marks or the mark-sheet, should not be a matter of debate, any further. The final word has to be of the issuing authority.

The second aspect of the matter is that the Madarsa Board has itself certified after verification from the tabulation-register that the correction in the mark-sheet of the private-respondent was done on 06.10.2006 and this position is reflected in the communication, dated 25.09.2008, issued under the signature of the Public Information and Legal Officer of the Madarsa Board. This letter is Annexure-B to the counter affidavit filed on behalf of Respondent No. 11. This position has not been controverted.

There is nothing further for this Court to observe with regard to the date on which the result of the private-respondent was declared by the Madarsa Board. It was much much earlier than the date of actual appointment on 14.03.2007 and it has also emerged in the proceeding before the Tribunal that the private-respondent had produced mark-sheet at the time of counseling before the Panchayat authorities. Therefore, even this aspect must come to



rest.

Keeping the above facts, if the Learned Single Judge refused to interfere with the order of the Tribunal, which has gone against the present appellant, we think the Learned Single Judge has committed no wrong by doing so.

There is nothing illegal about the appointment of the private-respondent as a Panchayat Teacher.

The case was more made than made out and, therefore, the appellant has failed both at the level of the Tribunal as well as before the Learned Single Judge.

The appeal has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	25.03.2017
Transmission Date	

