

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.615 of 2015

In

Civil Writ Jurisdiction Case No. 11653 of 2010

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Ramesh Kumar Sah Son of Sri Asharphi Sah, Resident of Village-
Bhagalpur, P.S. - Bhagalpur, District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar through the District Magistrate , Siwan.
2. The District Superintendent of Education , District Siwan.
3. The Block Development Officer, Bhagwanpur, District- Siwan.
4. The Block Education Extension Officer, Bhagalpur Block , District-
Siwan.
5. The Mukhiya , Gram Panchayat Raj Mora Khas, Block- Bhagwanpur
Hatt, District - Siwan.
6. The Panchayat Secretary , Gram Panchayat Raj Mora Khas, Block
Bhagwanpur, Hatt, District- Siwan.
7. The Member , District Teachers Employment Appellate Tribunal
Authority, Siwan.
8. Dhananjay Kumar Singh Son of Not known , Resident of Village-
Mora, P.S. - Bhagwanpur Hatt, District- Siwan.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Rajendra Pd. Singh, Sr. Advocate
Mr. Mukesh Kr. Singh, Advocate
For the State : Mr. Prabhat Kumar, AC to GA-11
For the Pvt. Respondent : Mr. Prabhat Kumar Singh, Advocate
Mr. Awadhesh Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI**

and

**HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

10 19-07-2017

Two writ applications which were CWJC No. 11653
of 2010 as well as CWJC No.4764 of 2012 came to be heard and
decided together. The learned Single Judge refused to interfere
with the order of the District Teachers Appointment Appellate



Authority, Siwan vide his order dated 28.11.2014 taking into consideration the various rounds of litigations which had been going on between the parties and the factual aspect getting more and more disputed which included the real identity of one Dhananjay Kumar Singh and the marks sheet which was issued by the present appellant to beget benefit of appointment as a Panchayat Teacher which was found to be forged.

With all these disputes and the plea even taken about non-participation etc. the learned Single Judge while adjudicating the writ applications has noted that two disputed questions of fact emerged on the pleadings and submissions of the appellant's writ application, namely, CWJC No. 11653 of 2010.

We have recorded as under:

“In CWJC No. 4764 of 2012, Dhananjay Singh @ Dhananjay Kumar Singh, as noted above, had earlier come to this court challenging the order of the Appellate Authority dated 02.07.2010 mainly on the basis that he had better merit points than petitioner of CWJC No. 11653 of 2010 and because the private respondent did not appear in the counseling, he should have been ordered to be appointed by the District Teachers Appointment Appellate Authority, Siwan. It is his plea that if claim of private respondent for his appointment as Panchayat Teacher is fit to be rejected on the sole ground that he did not participate in counseling and the petitioner of CWJC No. 4764 of



2012 shall have better claim than petitioner of CWJC No. 11653 of 2010 to be appointed as Panchayat Teacher.

On the other had, the stand of the private respondent is that he had participated in the counseling and because of the forged certificate submitted by the petitioner of CWJC No. 11653 of 2010, his better claim to be appointed was denied.

The scope of jurisdiction of this court of judicial review under Article 226 of the Constitution of India has its own limitations and it is guided by well settled principles of judicial restraint which the High Courts exercise while considering legality of an order passed by a statutory quasi judicial authority. This court interferes with such orders if the findings recorded by such quasi judicial authorities are patently perverse and without any evidence. If there is manifest error on the part of such quasi judicial authority, while passing the order or where there is non application of mind by such authority is writ large, this court may exercise its discretion to interfere with the findings of facts arrived at by the quasi judicial authority.

The orders under challenge in the present applications cannot be said to be perverse or without evidence. As I have noted above, certain disputed questions of facts have been raised by the parties. It has been consistent view of the superior courts that the question of facts, which require evidence to be adduced by the parties, should not be entertained in prerogative of writ jurisdiction. Reference may be made in this regards to certain judgements of the Supreme Court.”



If on these backgrounds and keeping the judicial pronouncements of the Apex Court in mind, the learned Single Judge refused to interfere with the order of the Tribunal and refused to get back in by history which was sought to be built up by the present appellant and has committed no error on fact or in law.

Appeal, therefore, is dismissed.

No interference is warranted.

(Ajay Kumar Tripathi, J)

S.Sb/-

(Rajeev Ranjan Prasad, J)

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