

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1064 of 2014  
IN  
Civil Writ Jurisdiction Case No. 17191 of 2011**

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1. Abul Hussain S/o Abul Rahman Resident of Mohalla Mohiuddinpur, Ward No. 1, P.O. + P.S. Kishanganj, District Kishanganj.

.... .... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resource Development, Government of Bihar, Patna.  
2. The Director, Human Resource Development Department, Government of Bihar, Patna.  
3. The District Education Officer, Kishanganj, District Kishanganj.  
4. The District Program Education Officer of Kishanganj, District Kishanganj.  
5. The Block Development Officer, Dighal Bank Block, District Kishanganj.  
6. The Block Education Extension Officer, Dighal Bank Block, District Kishanganj.  
7. The Mukhiya of Gram Panchayat Raj Saat Kauwa, Block Dighal Bank, District Kishanganj.  
8. The Secretary of Gram Panchayat Raj Saat Kauwa, Block Dighal Bank, District Kishanganj.  
9. The Member of District teacher Employment Appellate Tribunal, Kishanganj, District Kishanganj.  
10. Md. Tafezul Hussain S/o Nayeemuddin Resident of Village Haldawan, P.O. Korohbari, P.S. Dighal Bank, District Kishanganj.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Md. Helal Ahmad  
For Respondent N0.10 : Mr. B.P.Pandey, Sr. Advocate  
Mr Radha Mohan Singh  
For the State : Mr Upendra pratap Singh, AC to SC 4

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI  
and  
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 19-07-2017**

Heard counsel for the appellant and learned senior counsel for the private respondent as well as the State.

Since there is concurrent finding of fact both by the Tribunal and learned Single Judge of the non- participation of the appellant in the counselling which was held for selection of Panchayat



Teachers, obviously a bogey of claim was sought to be raised after much delay against the selection of private respondent no.10 on the ground that the appellant had more marks than the private respondent.

An impression was sought to be created that on his grievance raised before the Block Development officer, a direction was made for his counselling fresh and that is how he got a right appointment and came to be appointed. On a closer look at the documents annexed by the appellant especially Annexure- 7, he does not figure anywhere in the list on which any adjudication seems to have been made. Obviously, the appellant has juggled around the facts as well as some documentation to make out a case.

In absence of evidence and materials on the findings given by the Tribunal and the learned Single Judge which can demolish the findings, the Court would not interfere with the order impugned dated 26.06.2014 passed by the learned Single Judge in the writ application.

Appeal has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

**(Rajeev Ranjan Prasad, J)**

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