

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1023 of 2014

IN

Civil Writ Jurisdiction Case No. 22541 of 2011

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Neelam Kumari Wife of Sri Ghanshyam Paswan resident of Village- Bhatgama,
P.S. Dalsinghsarai, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate, Begusarai.
3. The District Superintendent of Education.
4. The Sub- Divisional Officer, Ballia, Begusarai.
5. The Block Development Officer, Ballia, Begusarai.
6. The Block Education Extension Officer Ballia, Begusarai.
7. The Mukhiya, Parmanandpur, Panchayat, Ballia, Begusarai
8. The Panchayat Sevak, Parmanandpur, Ballia, Begusarai.
9. Pratima Kumari Wife of Sanjay Paswan Resident of Village Sokahara, P.S. Teghra, District- Begusarai.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Siya Ram Sahi, Advocate Mr. Mrityunjay Kumar, Advocate Mr. Dinesh Prasad Verma
For the Respondent-9	:	Mr. Arun Kumar Tiwari, Advocate
For the State:		Mr. Anwar Karim
For the Respondent-8:		Mr. K. K. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-04-2017

Heard learned counsel for the appellant, counsel for
the State as well as the private-respondent no. 9.

The order of the District Teachers Employment
Appellate Tribunal, dated 20th of October, 2011, was the subject
matter of challenge before the Learned Single Judge in the writ
application, since the Tribunal has found the appointment of private-
respondent no. 9 to be valid instead of the petitioner, who also



happens to be the appellant in the present appeal, the appeal has now been filed, challenging order, dated 29.07.2013 passed in writ.

The submission of learned counsel for the appellant is that deliberate mischief was played by the Panchayat Secretary. A varying stand and letters were issued from time to time. At times this appellant was shown to be validly appointed and at other time appointment of private-respondent no. 9 was said to be in order. There are two different letters, which were in circulation. It is also submitted that there was no counseling at all held on the date, when Pratima Kumari was supposedly appointed as a Panchayat Teacher.

To seek further clarity on the issue, the Bench went through the order passed by the District Teachers Employment Appellate Tribunal. The Appellate Authority's order is unambiguous. The background to the controversy and dispute has been taken note of on the basis of submission made by both sides and after examining the entirety of the issue and on a clear and categorical statement and stand taken by the Panchayat Secretary with regard to the authenticity of the letter, in which the private-respondent was shown to have been appointed having higher marks, was held to be correct by the Tribunal and the Tribunal has recorded that there is nothing to disbelieve the author of the letter in question. In fact, the Panchayat Secretary pointed fingers at the Block Education Officer, who was behind the mischief and was trying to help the appellant in getting a foot-hold in the organization.



It is in this background that a detailed hearing was done by the Learned Single Judge, who has held the authenticity of the order of the District Teachers Employment Appellate Tribunal and he concluded that there is no reason for this Court to sit in appeal over the finding given by the Tribunal under Article 226 of the Constitution of India.

After having perused the various documents and materials, the Court is satisfied that the order of the Learned Single Judge as well as the Tribunal seems to be correct. The appointment of Pratima Kumari was sought to be put under some kind of a cloud by manipulating things in favour of the present appellant, Neelam Kumari, may be with the help of the Block Education Officer, obviously for a reason.

The order of the Learned Single Judge, dated 29.07.2013, is not required to be interfered with.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	10.04.2017
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