

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1702 of 2013

IN

Civil Writ Jurisdiction Case No. 2537 of 2010

=====

Tabassum Perween, Daughter Of Jane Mohammad, Wife Of Sayeed Ansari
Resident Of Village- Sikatia, P.O.- Khawaspur, Block- Lakari Nabiganj, P.S.-
Basantpur, District- Siwan

.... Appellant/s

Versus

1. The State Of Bihar Through Secretary, Human Resources Development
Department, Govt. Of Bihar, Patna
2. The District Magistrate, District- Siwan
3. The District Superintendent Of Education, Siwan
4. The Block Development Officer (Sri Dayashankar Singh), Block- Lakari
Nabiganj, District- Siwan
5. The Pramukh, Block- Lakari Nabiganj, District- Siwan
6. The Member, District Teacher Employment Appellate Tribunal, Siwan
7. The Block Education Extension Officer, Block- Lakari Nabiganj, District-
Siwan
8. Mosarrat Jahan, Daughter Of Md. Samiullah, Wife Of Jawed Alam Resident Of
Chap Pachrukhi, District- Siwan, At Present Sharif Jalalpur, Via- Kishunpura,
P.S.- Basantpur, District- Siwan

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Braj Bhushan Mishra, Advocate

For the Respondent/s :

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-03-2017

Delay in filing of the appeal is condoned.

2. Seeking exception to an order dated 1.5.2013 in
C.W.J.C. No.2537 of 2010, this appeal has been filed under Clause
10 of the Letters Patent.

3. Petitioner was a candidate who sought appointment



on the post of Panchayat Teacher. When her candidature was not considered, she approached the statutory Tribunal and the Tribunal rejected claim on 6.11.2009. Challenging the order of the Tribunal, the writ petition was filed and, the learned Writ Court also having dismissed the writ petition, this Appeal.

4. Learned counsel for the appellant argued that in the second round of counseling, which was held, the notification and advertisement of the counseling was not undertaken in accordance to the requirement of the Circular issued by the State Government wherein a detailed procedure for notifying the counseling dates were laid down which includes publication of the notice etc. Referring to Annexure 8 dated 22nd of October, 2007, learned Counsel tried to indicate that procedure, as contemplated in this Circular, was not carried out. However, respondents have brought on record the publications made in the Daily Newspaper and other methods for notifying the second counseling and it is seen that in the second counseling, in spite of notification, the petitioner did not appear. In fact the records indicate that in the first round of counseling that was held in the year 2006, petitioner participated, but she could not qualify as she did not come within the merit criteria. However, the candidate who was appointed in pursuance to the first round of counseling having resigned, the second round of counseling was



held in the year 2007. Notification for this was issued in the Daily News Papers, but as the petitioner did not appear, her candidature was not considered.

5. The learned Writ Court has taken note of all these aspects of the matter and finding that as the petitioner did not participate in the second round of counseling, now no indulgence can be made into the matter.

6. Finding the learned Writ Court to have considered various aspects of the matter in accordance to the requirement of law, we see no ground to interfere into the matter.

7. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	6.4.2017
Transmission Date	N/A

