

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1535 of 2014

IN

Civil Writ Jurisdiction Case No. 4215 of 2013

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Shailendra Kumar Sah Son of Sri Prem Chandra Sah, resident of Village -
Madhubani, P.S. - Phenhara, District - East Champaran presently working as
Panchayat Teacher, Govt. Primary School, Madhubani, Distt. - East Champaran

.... Appellant

Versus

1. The State of Bihar
2. The District Education Officer, East Champaran at Motihari
3. The District Programme Officer (Establishment), Motihari, Distt. - East Champaran
4. The Appellate Authority through its Chairman, Motihari
5. The Block Education Extension Officer, Phenhara, P.S. - Phenhara, District - East Champaran
6. The Mukhiya, Gram Panchayat Raj, Madhubani, P.S. - Phenhara, District - East Champaran
7. The Panchayat Secretary, Gram Panchayat Raj, Madhubani, P.S. - Phenhara, District - East Champaran
8. The Headmaster, Government Primary School, Madhubani, P.O. + P.S. - Phenahra, District East Champaran

.... Respondents

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Appearance :

For the Appellant : Mr. Sanjeev Kumar Singh, Advocate

For the Respondent State: Mr. Madhaw Prasad Yadav, GP-23

Mr. Sanjay Kumar, AC to GP-23

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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: 09-05-2017

Heard counsel for the appellant and counsel for the
State.

Dismissal of the writ application of the appellant by the
learned single Judge vide order dated 07.05.2014 passed in C.W.J.C.
No. 4215 of 2013 is not required to be interfered with. The findings
are that the present appellant was a direct beneficiary of indiscretion



of his father, who happened to be the Mukhiya of the Panchayat in question. Such kind of leeway as well as discretion cannot be conferred upon the holder of a public office, especially when such appointment is also being made in the public domain. He has a direct bias in the selection of the present appellant and denial of such an opportunity to an otherwise able candidate, who was deliberately ousted by showing that she did not provide the caste certificate, therefore, she was pushed in the general category. These are manipulations done by the appointing authority, which cannot be given seal of approval by interfering with the impugned order of the learned single Judge.

It was a fit case where a criminal case should be instituted against the father of the appellant for misuse of his official position.

The appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.05.2017
Transmission Date	N/A

