

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2083 of 2016

IN

Civil Writ Jurisdiction Case No. 1920 of 2013

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Md. Jawed Akhtar son of Lal Mohammad Fani resident of village-
Madhura, P.S Korha, district- Katihar, Panchayat Teacher, Primary School Pekaha,
under Block- Korha, District- Katihar, presently Upgraded Middle School, Pekaha
under Block-Korha, District-Katihar

.... Respondent No. 10Appellant.

Versus

1. The State of Bihar
2. The Principal Secretary Human Resources Development Department,
Government Of Bihar, Patna
3. The Director, Primary Education, Government Of Bihar Patna
4. The Member, District Teachers Appointment Appellate Tribunal, Katihar
5. The District Education Officer, Katihar
6. The District Superintendent of Education-Cum- District Programme
Coordinator Katihar
7. The Block Education Officer, Block-Korha District-Katihar
8. The Mukhiya, Gram Panchayat Raj Madhura, Under Block Andp.S-Korha, Dist
- Katihar
9. The Secretary, Gram Panchayat Raj Madhura, Under Block Andp.S-Korha,
District- Katihar

... Respondents/Respondent 1st Set.

10. Chuneswar Das Son Of Late Baishakhi Das Resident Of Village Makaipur,
Post Office Madura, Police Station- Korha, District- Katihar

.... Petitioner/Respondent 2nd Set.

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Appearance :

For the Appellant/s : Mr. Brisketu Sharan Pandey

For the Respondent/s : Mr. Ashutosh Ranjan Pandey- AAG15

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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: 22-11-2017

Heard learned Senior Counsel for the appellant,

learned counsel for the State and learned counsel for the private

respondent.

The learned Single Judge has taken a correct view



and allowed the writ application understood the status of the private respondent, who was petitioner in the writ application.

Since, the District Superintendent of Education, Katihar has no power or authority vested with regard to appointment of teachers in the Panchayat in any manner, any decision taken by him in upsetting the selection and restoring the position of the present appellant is a decision beyond the authority of law.

No interference is warranted with the order of the learned Single Judge.

This appeal is dismissed.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CA V DATE	NA
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