

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1596 of 2014

IN

Civil Writ Jurisdiction Case No. 22310 of 2011

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Kumari Surabhi daughter of Sri Arvind Kumar Singh, resident of village Kuari Madan, PS - Mejarganj, Dist.- Sitamarhi.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department (Now Education Department), Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department (now Education Department), Government of Bihar, Patna.
3. The Member, District Teacher Employment Appellate Authority, Sitamarhi.
4. The Mukhiya, Gram Panchayat Raj, Kuari Madan, PS Mejarganj, Dist.- Sitamarhi.
5. The Panchayat Sachiv , Gram Panchayat Raj, Kuari Madan, PS- Mejarganj, Dist.- Sitamarhi.
6. Kajal Kumari, daughter of Sri Nirmal Kumar Singh , resident of village Dimari Khurd, PS- Mejarganj, Dist- Sitamarhi.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Vaidehi Raman Prasad Singh, Advocate

For the Respondent/s : Mr. Ajay, GA-12

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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: 10-05-2017

Heard learned counsel for the appellant and
learned counsel for the State.

After going through the records and perusing
the materials, the learned Single Judge refused to
interfere with the order of the District Teachers Appellate
Authority, Sitamarhi, which found the appointment of the
present appellant to be erroneous if not manipulated



Despite the private respondent having higher marks and better merit, she was ignored on the spacious ground of non-participation in counselling. The Court can take judicial notice of the fact that thousands and thousands of cases which have come up for adjudication before this Court, it has been noticed that the meritorious students are shown not to have participated and reported absent on the date of counselling. Naturally, for extraneous reasons, people with lesser merit but with more paying capacity get appointed on the post of Panchayat Teachers. The present case is no different.

The learned Single Judge after perusing the original record also found that the process and procedure was fishy and there was no reason to explain the non-consideration of claim of the private respondent and to appoint the present appellant in the very first place.

This appeal, therefore, has no merit. It is dismissed, accordingly.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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