

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1599 of 2014

IN

Civil Writ Jurisdiction Case No. 739 of 2013

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Vishal Yadav, S/o Sri Jag Yadav, R/o Village Siktiya Machhargawan, P.O. Kharpokhara, P.S. Bagaha, Dist. West champaran

.... Appellant

Versus

1. The State of Bihar through the Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal, Welfare Department, Government of Bihar, Patna.
3. The Principal Secretary, Primary and Adult Education, Government of Bihar, Patna.
4. The District Magistrate, District West Chamaparan at Betiah.
5. The District Education Officer, District West Champaran at Betiah.
6. The Subdivisional Officer, Bagaha, District West Champaran.
7. The Block Development Officer, Bagaha-2, District West Champaran.
8. The Block Education officer, Bagaha -2, district West Champaran.
9. The Mukhia cum President of Primary School Teacher Appointment Committee Gram Panchayat Raj Chamwaliya, Bagaha-2, District West Champaran
10. The Gram Panchayat Secretary, Gram Panchayat Raj Chamwaliya, Bagaha-2, District West Champaran.
11. The Headmaster, Middle School Maatijariya Mushahar Toli, Block Office, Bagaha -2, District West Champaran.
12. Sri Nayan Mani Kumar, S/o Lalan Prasad , Resident of Village Bijora, P.O. Parsauni Farm Block , Bagaha-1, District West Champaran.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Rewti Kant Raman, Advocate
Mr. Ajay Pathak, Advocate

For the Respondent/s : Mr. Anshuman Singh, AC to PAAG-1

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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

There is delay of 193 days, which is about 6 months and 13 days, for which I.A. No. 9072 of 2014 has been filed for condonation of delay.



Delay is condoned. I.A. No. 9072 of 2014 is allowed.

Heard counsel for the appellant and counsel for the State.

Perused the order of the learned Single Judge. The finding of the Tribunal is identical to the finding given by the learned Single Judge when an allegation was sought to be made against the private respondent no. 12 to dislodge him from his merit position by raising doubts about the correctness of the Intermediate examination result, which was found to be only an allegation and not supported by evidence with regard to the allegation.

It was in this background that the learned Single Judge gave liberty to the appellant may be to establish the factum of the certificate being fake by challenging before a civil Court of competent jurisdiction. Prima facie the learned Single Judge was not satisfied with regard to the allegation which could knock out respondent no. 12 from the post of Panchayat Teacher. The finding of the District Teacher Employment Appellate Authority with regard to the present appellant is that he was way down on sl. 44 on the merit-list but still the Mukhiya for reasons best known to him wanted to accommodate him and for which he had even filed a petition making false or misleading allegation against the Panchayat Secretary as if he was coming in the way of accommodation of the appellant.



It seems from perusal of records that the resistance on behalf of the Panchayat Secretary was because of the illegal decision which was being imposed by the Mukhiya upon the Panchayat Secretary and not for any other reason.

Appeal has no merit. It is dismissed.

In addition to that, the whole argument has become academic now because the Rule for recruitment has undergone a change. No appointment can now be made in relation to the previous exercise which had been done in the year 2008, in the changed circumstances.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

