

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1716 of 2015

IN

Civil Writ Jurisdiction Case No. 15633 of 2013

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Suresh Prasad Son of Ramji Sah @ Ramji Prasad R/O Vill - Siswa, P.S. Banjariya,
Distt - East Champaran

.... Appellant

Versus

1. The State of Bihar
2. The District Magistrate East Champaran at Motihari
3. The District Education Officer, East Champaran at Motihari
4. The District Teacher Employment Appellate Tribunal East Champaran At Motihari
5. The Block Development Officer Banjariya Block Banjariya, Block Banjariya, Distt - East Champaran
6. The Block Education Extension Officer Banjariya, Block Banjariya, Distt - East Champaran
7. The Mukhiya, Gram Panchayat Raj Siswa (West, Block - Banjariya, Distt - East Champaran
8. The Panchayat Secretry, Gram Panchayat Raj Siswa West, Block Banjariya, Distt - East Champaran
9. Most Kiran Kumari W/O Late Ramesh Prasad R/O - Vill - Banjariya, Block Banjariya, Distt - East Champaran

.... Respondents

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Appearance :

For the Appellant : Mr. Prateek Tondon, Advocate

For the Respondent State: Mr. Ravi Verma, AC to GP-4

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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: 19-01-2017

For the reasons indicated by the counsel for the
appellant, the delay is condoned. I.A. No. 7765 of 2015 is allowed.
Matter is now taken up on merits and heard.

The issue relates to the appointment of the present
appellant, who was the petitioner before the writ Court. His
appointment as panchayat teacher was set aside by the District



Teachers Employment Appellate Authority. The learned single Judge heard the petitioner of the writ application, who also happens to be the appellant here, in detail and had noticed that the appellant happens to be the son of Mukhiya. The appointment was manipulated by the Panchayat headed by the father of the appellant to ensure his selection and appointment, at the cost of the other candidates who were also applicants. The method and the methodology used for defeating the right of other candidates have been also dealt with. No proper information or notice was sent to the candidates and a via media was adopted showing service of notice by U.P.C., which is no notice in the eye of law as has been held by the High Court in the case of Chitranjan Kumar Singh and others Vs. State of Bihar and others, reported in 2010(4) PLJR 183..

Since appointment in the public domain must be free and fair for all and must be above suspicion, the findings being what they are, the learned single Judge has rightly come to a conclusion that this was not a fit case for interference with the order of the Teachers Employment Appellate Authority and the writ was dismissed.

This Bench is in agreement with the findings. The submission of the counsel for the appellant that the application of the private respondent filed before the Tribunal was time barred is a



misconceived submission because the 30 days time frame which the appellant is talking about is fixed for the Tribunal to decide the matter and it is not a case of 30 days of limitation for moving the Tribunal.

In totality, therefore, the appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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