

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.583 of 2016

IN

Civil Writ Jurisdiction Case No. 10986 of 2013

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Md. Ainul Haque S/o Late Basharat Hussain, Resident of village- Kantari, P.S.- Deo, District- Auragabad at present posted as Block Education Officer, Koilwar, Bhojpur, the then Block Education Extension Officer-cum-Prakhand Teachers Employment Committee, Marwan, District- Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Director, Primary Education, Government of Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The District Education Officer, Muzaffarpur
5. The District Programme Officer (Establishment), Muzaffarpur
6. The Block Development Officer, Marwan, District- Muzaffarpur
7. The Prakhand Pramukh, Block and Police Station- Marwan, District- Muzaffarpur
8. Vashisht Kumar Singh S/o Late Doman Singh, Resident of Chhajan Gonu, Post- Chhajan Harishankar, Via- Turki, District- Muzaffarpur
9. Vijay Kumar Singh S/o Ramshrestha Singh, Resident of village and Post- Karja, P.S.- Karja, District- Muzaffarpur
10. Sangit Kumar Singh S/o Ram Naresh Prasad Singh, Resident of village and Post- Karja, P.S.- Karja, District- Muzaffarpur
11. Jaydayal Rai, Son of Late Sahdeo Rai, Resident of Narada, Post and P.S.- Karja, District- Muzaffarpur
12. Uma Shankar Rai S/o Yogendra Rai, Resident of village and Post- Raksa, P.S.- Karja, District- Muzaffarpur
13. Vinay Sah s/o Late Govind Sah, Resident of village- Goriyara, P.O.- Chanarua, District- Muzaffarpur
14. Ram Kishore Rai S/o Late Devnandan Rai, Resident of village- Mithanpura, Post- Vishundatpur, District- Muzaffarpur
15. Birendra Kumar S/o Late Ram Sakal Singh, Resident of village- Jagdishpur Kamtaul, Post- Anant Kamtaul, Via- Kudhani, District- Muzaffarpur
16. Surendra Prasad Singh S/o Late Janak Prasad Singh, Resident of village- Prushotampur, Post- Kishunpur MOhini, Via- Turki, District- Muzaffarpur
17. Arun Prasad S/o Rajmandal Prasad Yadav, Resident of Jhakhada Shekh, Post and P.S. Karja, District- Muzaffarpur
18. Naresh Kumar S/o Shree Shankar Mahto, Resident of village and Post- Mahdaiya, P.S.- Meenapur, District- Muzaffarpur
19. Shankar Prasad S/o Late Janki Bhagat, Resident of village and Post- Mustafaganj, P.S.- Meenapur, District- Muzaffarpur
20. Ram Babu Prasad S/o Shree Shankar Prasad, Resident of village and Post- Mahadeiya, P.S.- Manapur, District- Muzaffarpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar No.1, Advocate

For the Respondent/s : Mr. Mahendra Prasad Verma, AC to SC 20

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 17-08-2017

I.A. No. 2609 of 2016 is allowed and delay of one year and 98 days in preferring the appeal is condoned.

Seeking exception to an order dated 02.04.2014 passed by the writ court in C.W.J.C. No. 10986 of 2013, this appeal has been filed under Clause 10 of the Letters Patent. In the matter of appointment of the petitioner on the post of Prakhanda Teacher, the learned writ Court has referred to the provision of Rule-9 of the Bihar Panchayat Primary Teacher (Appointment and Service Condition) Rules, 2006 and after evaluating the aspects on merit and taking note of the findings recorded by the District Teachers Employment Appellate Authority, regarding the conduct of the appellant, as is evident from para 24 onwards and has passed the order in question. Having regard to the conduct of the petitioner in discharge of his duties as a Block Education Officer and after taking note of various aspects of the matter, the disciplinary action was proposed to be taken against the respondent Block Education Officer at the relevant point of time.

Once, the learned writ Court has taken note of the conduct of the petitioner in the matter of preparation of merit list and



the legal proceeding conducted by him with the appointment in question contrary to the provisions of Rule 9, we see no reason for interference into matter. However, liberty shall be available to the appellant in the departmental proceeding to raise the above contentions.

Keeping in view that the writ Court directed for disciplinary action, we see no reason to make interference in this matter.

The appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2017
Transmission Date	

