

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1250 of 2013
IN
Civil Writ Jurisdiction Case No. 8697 of 2013**

=====

Anita Kumari, D/O Sri Rameshwar Prasad Rai, W/O Sanjay Kumar Resident Of
Village - Baribag, P.S. Khaira, District - Jamui

.... Appellant/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Deptt. Govt. Of Bihar, Patna
2. The District Teachers Employment Appellate Tribunal Through Its Member, Jamui, P.O. + P.S. And District - Jamui
3. The District Programme Officer In Office Of District Education Officer, Jamui, P.O. + P.S. + District - Jamui
4. The District Magistrate, Jamui + P.O. + P.S. + District - Jamui
5. The Mukhiya, Gram Panchayat Raj Bishanpur, P.O. Baribag, Ps. Khaira, Distt. - Jamui
6. The Panchayat Secretary - Cum - Selection Unit Gram Panchayat Raj - Bishanpur, P.O. Baribagh, P.S. Kaira, Distt. - Jamui
7. Soni Kumari W/O Sri Manoj Kumar, D/O Jai Prakash Resident Of Village - Achambho, P.O. Pirhinda, P.S. Sikadra, District - Jamui

.... Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Purushottam Kumar Jha, Advocate Mr. Prakash Mahto, Advocate
For the Respondent No. 7:		Mr. Arun Kumar, Advocate Ram Vinay Prasad Singh, Advocate
For the State	:	Mr. Alok Kumar Rahi, Advocate AC to GP-21

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 07-02-2017

Submission of learned counsel for the appellant is that her case is identical, covered by a Division Bench decision, which is the case of Savita Kumari Vs. State of Bihar & ors., reported in 2016 (3) P.L.J.R. 975.



However, this Division Bench, after going through the records of the case, comes to a considered finding that the facts of this case are so glaring, so blatant and there are concurrent findings in this regard, first by the District Teachers Employment Appellate Tribunal and then by the Learned Single Judge that the appointment of this appellant was rigged to defeat the right of the private-respondent, who was highest in the merit list by not allowing her to participate in the counseling. The proceeding was manipulated and all these points lead to only conclusion that there was no fairness in the manner in which the selection on the post of Panchayat Teacher was done in the concerned Panchayat.

The findings speak for themselves. The background material, which are now sought to be produced by the appellant in support that all was hunky-dory in the manner in which the selection was done. The stand of appellant that non-participation of private-respondent was deliberate is a hackneyed story, which has been tested in one too many cases of such appointments.

It is not a coincidence that teachers, who are either trained or are high on merit position do not end up appearing in the counseling and it is always the people at the bottom only appear and participate in the counseling and get appointed.

The facts are glaring and that is why the Tribunal and the Learned Single Judge did not allow the appellant to continue on the post and directed appointment of the private-respondent.



In terms of the decision of the Tribunal, the private-respondent has been allowed to join and she is working. The Division Bench is of the opinion that justice has been done to her and any interference with the impugned order will put the clock back and give benefit to a candidate, who did not deserve to be appointed in the very first place. The appeal is dismissed, as no interference is warranted with the order of the Learned Single Judge.

Submission of the counsel before parting is that he had produced all the documents before the Tribunal, but the same was not looked into.

This submission is neither here nor there, because what was produced before the Tribunal was considered and the decision has been rendered on those materials. Any subsequent acquisition of evidence with support of the Mukhiya or the Panchayat Secretary cannot make the case of the appellant any better than what it was at the time of adjudication by the courts below.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	08.02.2017
Transmission Date	

