

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 11029 of 2016

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1. Md. Noor Ain Ashrafi, Son of Md. Nezam Uddin resident of village At P.O. Fatehpur, P.S. Zero Mile, District Bhagalpur 813210.
 2. Sunil Kumar, Son of Suresh Mandal resident of village At P.O. + P.S. Lodipur, District Bhagalpur 812001.
 3. Amit Kumar, Son of Pramod Chandra Jha resident At - Ganga Vihar, P.O. Fatehpur, P.S. Zero Mile, Distt. – Bhagalpur.
 4. Jitendra Kumar Paswan Son of Ramroop Paswan resident of At P.O. Dhuabai, P.S. Sanokhar, Block - Sanhaula, Distt. - Bhagalpur 813204.
 5. Ajay Kumar Sah, Son of Arjun Prasad Sah At - Bari Durga Sthan, Kajraili Road, Amarpur, Distt. - Banka 813101.
 6. Reena Prasad, Wife of Ashok Kumar Priyadarshi resident of Ward No. 34, Tank Road, Bishahri, Sthan, Bhikhanpur, Bhagalpur 812001 address When she Posted - Railway Q No. 1 T/9A Gumti No. 03 Bhikhanpur, Bhagalpur 812001,
 7. Pankaj Kumar Yadav, Son of Kisto Prasad Yadav resident of village At Chaumukh, P.O. Tarchha, Via - Jagdishpur, Distt. - Bhagalpur 813105.
 8. Mukesh Kumar, Son of Parmohan Das resident C/o Niranjan Kumar Das, Village Mirzapur, P.O. Rajpur, P.S. Sabour, Distt. - Bhagalpur 813210.
 9. Rajneesh Kumar, Son of Ramwaran Prasad Singh, Resident At Post Durmatta, P.S. Harpur, Via - Tarapur, Distt. - Munger 813221
 10. Bablu Kumar Mandal, Son of Laksmi Prasad Mandal resident of village At Jamaldipur, P.O. Gouripur, P.S. Bihpur, Distt. - Bhagalpur 853201.
 11. Binay Kumar Bharti, Son of Sri Jaldhar Prasad Yadav, Resident of village - Banthi, P.O. + P.S. Dhoraiya, Distt. - Banka 813224
 12. Priti Rani, Wife of Abhay Kumar at + P.O. Bahadurpur, P.S. Zero Mile, Distt. - Bhagalpur 813210.
 13. Sanjay Kumar Malakar, Son of Sri Nakshatra Malakar at Auliabad, P.O. Jhandapur, P.S. Bihpur, Distt. - Bhagalpur 853201.
 14. Md. Jawed Hussain Son of Md. Hasim resident of village - Babura, P.O. Makaita, P.S. Dhankund, Distt. - Banka 813105
 15. Anirudh Kumar Thakur, Son of Mahadeo Thakur At + P.O. Agarpur, P.S. Lodipur, Distt. - Bhagalpur 813210
 16. Rashmi Kumari, D/o Sri Amrendra Narayan Singh At + P.O. Tarar, P.S. Sanhaula, Distt. - Bhagalpur 813205.

.... Petitioners

Versus



1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, Patna.
3. District Magistrate, Bhagalpur.
4. District Education officer, Bhagalpur.
5. District Programme Officer, Establishment, Bhagalpur.
6. Block Development officer - Cum - Secretary, Niyojan Ekayi, Sabour Block.
7. Block Education officer, Sabour.
8. Pramukh - Cum - Chairman, Block Teacher Niyojan Ekayi, Sabour
9. Special Unit Vigilance through D.G. Vigilance.

.... Respondents

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Appearance :

For the Petitioners : Mr. Y.V. Giri, Sr. Adv.
: Mr. Pranav Kumar

For the State : Mr. Sunil Kumar Mandal- SC24
: Mrs. Neelam Kumari, AC to SC-3
: Mr. Bipin Kumar, AC to SC-3

For the Vigilance : Mr. Ramakant Sharma, Sr. Adv.
: Mr. Kundan Singh, Adv.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 27-02-2017

Heard learned counsel for the petitioners and the State.

Petitioners are aggrieved by Annexure-12 issued by the Block Development Officer, Sabour, Bhagalpur intimating them that the Block Teachers' Employment Committee in its meeting dated 10.09.2016 has taken a decision that their appointments should be cancelled. They also assail Annexure-14A which has been appended with rejoinder to the counter



affidavit filed on behalf of the respondent no. 5 in which it is stated that the Serial Nos. 2 to 7 were having their names in the provisional merit-list and their engagement was done in camp mode. It has further been stated that except Serial Nos. 11 and 13 to 16, all are named in the provisional merit-list. It is also stated that due to clerical mistake their names were there in the merit-list. However, in view of the direction of the District Programme Officer (Establishment), Bhagalpur, such decision has been taken.

In my view, whether such names were there in the provisional merit-list or whether some of the petitioners were shown in the different subjects or not in the merit-list, these are the facts which are required to be ascertained after perusal of the record. Thus, in my view, the petitioners would be required to approach the concerned Teachers' Appointment Appellate Authority for redressal of their grievance. If such application is filed before the authority, let the same be considered and decided by it on its own merit and in accordance with law expeditiously preferably within a period of four months from the date of filing of the same along with a copy of this order.

It is further made clear that while deciding the issue the appellate authority would be required to call for the records



and ascertain the facts which stands stated in Annexure-14A
and other grievances of the petitioners.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.05.2017
Transmission Date	NA

