

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1393 of 2014

IN

Civil Writ Jurisdiction Case No. 7849 of 2011

=====

Jibu Kumari Wife of Sri Raj Kumar Rakesh R/o Village + P.O. - Dagmara,
Tol-Rajpur, P.S. - Kunauli, District - Supaul

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The District Magistrate, Supaul, District - Supaul
3. The District Superintendent of Education, District - Supaul
4. The Block Education Extension Officer, Nirmali Block, District - Supaul
5. The District Teacher Appointment Appellate Authority, Supaul through its Member District - Supaul
6. The Mukhiya Gram Panchayat Raj Dagmara, P.S. - Kunauli, District - Supaul
7. Gram Panchayat Raj Dagmara, through its Panchayat Sachiv, P.S. - Kunauli, District - Supaul
8. Renu Kumari Wife of Ramesh Kumar Village - Rajpur, P.S. - Kunauli, District - Supaul

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Krishna Kant Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 12-05-2017

Heard learned counsel for the appellant and
learned counsel for the State. Perused the order of
learned Single Judge dated 23.07.2014.

2. The challenge in the writ application was in
relation to the decision of District Teacher Appointment
Appellate Authority (hereinafter referred to as the
"Appellate Tribunal"), Supaul, wherein the Appellate



Tribunal after considering the facets of the dispute held that respondent no. 8 was wrongly denied the benefit of consideration and appointment on the spacious ground that she reported 40 minutes late for counselling and, therefore, she lost her right.

3. The ground taken for non-appointment did not convince the authorities. Grievance was raised even before the District Magistrate. However, according to learned counsel for the appellant, on a direction of the District Magistrate the Appellate Tribunal had decided against her interest by annulling her appointment.

4. The Appellate Tribunal has not gone by the dictates of the District Magistrate. If the District Magistrate had received grievance and complaints, he was free to bring it to the notice of the adjudicatory authority and the adjudicatory authority is free to exercise by independent application of mind.

5. The learned Single Judge, therefore, had this to say in paragraph-9 of the impugned order which reads as such:

"9. From the impugned order, it appears that within one day of submission of resignation by Shymala Kumari the petitioner was appointed as Panchayat Teacher against Scheduled Caste (Female) category by the Appointment Committee. The Respondent No. 8 was not noticed after resignation of Shyamala Kumari for



the purpose of counselling. The manner in which the petitioner came to be appointed as Panchayat Teacher is evident from the impugned order of the Appellate Authority and therefore, to the extent it has directed for removal of petitioner as Panchayat Teacher needs no interference."

6. It was in this background that the learned Single Judge refused to interfere with the order of Appellate Tribunal, modified the order of the Appellate Tribunal in the sense that a direction was issued for consideration and not for appointment. No infirmity emerges from the order of learned Single Judge, which is required to be rectified.

7. Thus, we find no merit in this appeal. It is, accordingly, dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/-

U			
---	--	--	--

