

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1422 of 2015
IN
Civil Writ Jurisdiction Case No. 6941 of 2011**

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Arun Paswan S/o Sri Nagendra Paswan R/o Village Rikhar, P.O. Rikhar, P.S. Lalgang, District Vaishali.

.... Appellant/s

Versus

1. The State of Bihar through its Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Bihar, Patna.
2. The Director, Primary Education, Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The Secretary, Teacher Appointment Appellate Authority, Vaishali at Hajipur.
5. The District Superintendent of Education, Vaishali at Hajipur.
6. The Block Development Officer, Lalganj Block, District Vaishali.
7. The Block Education Extension Officer, Lalganj Block, District Vaishali.
8. The Panchayat Secretary Gram Panchayat Raj Rikhar, Block Lalganj, District Vaishali.
9. The Mukhia, Gram Panchayat Raj Rikhar, Block Lalganj, District Vaishali.
10. The Headmaster, Primary School Rikhar, Block Lalganj, District Vaishali.
11. Dilip Kumar S/o Shri Sakal Deo Paswan Resident of Village Chaktayab, P.O. Majhauri, District Vaishali.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : None

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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: 12-01-2017

Heard counsel for the appellant on the limitation as well as
the merits of the appeal.

Delay of 35 days is condoned. I.A. No.6246 of 2015 is
allowed.



The present appeal is directed against the order dated 17.2.2014 passed by learned Single Judge in CWJC No.6941 of 2011. In the writ application the appellant was the petitioner and he assailed the order dated 22.1.2011 passed by the District Teachers Appointment Appellate Authority, Vaishali in Case No.15 of 2010. The appellant and the respondent no.11 both belong to the scheduled caste category and in the second drive for appointment of Panchayat Teachers in the year 2008, the appellant came to be selected by the Panchayat even though he had lesser marks than the private respondent no.11. In fact, the allegation is that the private respondent no.11 was prevented from participation in the counselling by deliberately ousting him from the zone of consideration by the Panchayat Secretary for which he had lodged his complaint before various authorities. Finally when he did not get suitable response, he moved the District Teachers Appointment Appellate Authority, which gave a direction for counselling of the private respondent by the Panchayat.

The story now emerges is that the Panchayat Secretary obtains the signature of the private respondent no.11 on a plain piece of paper not on the official register and then subsequently again a plea is taken that the private respondent did not appear for the counselling. The narration of fact both in the order of the



District Teachers Appointment Appellate Authority as well as by the learned Single Judge are kind of concurrent finding on the way things have been manipulated to accommodate the present appellant on the post of a Panchayat Teacher. If the system is hell- bent upon violating the law, the law will not stand in favour of the beneficiary but in favour of the person whose right has been defeated in such a manner.

The Court, therefore, with the concurrent finding of facts and with elements of arbitrariness exercised by the powers that be, refuses to interfere with the order of the learned Single Judge.

The appeal lacks merits. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	NAFR
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