

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1230 of 2014
IN
Civil Writ Jurisdiction Case No. 761 of 2013**

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Kumari Neelam D/o Late Badri Prasad Yadav Resident of Officers Colony,
Mirchaibari, P.S. Katihar, District Katihar.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Member, the District Teacher Employment Appellate Authority, Katihar.
4. The District Education Officer, Katihar.
5. The District Programme Officer (Establishment), Katihar..
6. The Block Development Officer, Barari, District Katihar.
7. The Block Education Officer, Barari, District Katihar.
8. The Mukhiya Gram Panchayat Raj Durgapur, Barari, District Katihar.
9. The Panchayat Secretary, Gram Panchayat Raj, Durgapur, Baxari, District Katihar.
10. Neelam Kumari W/o Niranjana Kumar Panchayat Teacher, Primary School Markhaha, Balughat, Durgapur Panchayat, Barari, District Katihar.

.... Respondents

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Appearance :

For the Appellant : Mr. Bhola Prasad, Advocate
Mr. Mukesh Kumar Jha, Advocate
For the Respondent State: Mr. Mahendra Prasad Verma, AC to SC-20
For the Respondent No.10: Mr. Amaresh Kumar Singh, Advocate
Mr. Sushil Kumar Roy, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 21-06-2017

Heard counsel for the appellant, counsel for the private
respondent and counsel for the State.

The impugned order is dated 01.07.2014 passed by the
learned single Judge in C.W.J.C. No. 6761 of 2013. The writ
application of the present appellant has been dismissed because the



learned single Judge, after going through the order of the District Teachers Employment Appellate Authority, agreed with the finding that there is no unimpeachable evidence or materials to override the finding which had emerged that the appellant had not appeared in the first counselling, which was held on 20th July, 2007.

There is no evidence or material even at this stage in the memo of appeal which can compel this Court to agree with the submission of the counsel for the appellant that there was a deliberate mischief which prevented her from participation. Even if she participated, her participation was not reflected in the register.

In such controversial and contested findings with regard to the counselling coupled with the fact that the appointments relate to the year 2007-08, this Court is not enthused to interfere with the impugned order dated 01.07.2014.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	NAFR
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