

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1495 of 2013
IN
Civil Writ Jurisdiction Case No. 22954 of 2011**

=====

Uday Kumar, son of Arjun Prasad Singh, resident of village- - Chero, Police Station
Sarmera, District - Nalanda

.... Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Department,
Government of Bihar, Patna
2. The Director, Primary Education, Education Department, Government of Bihar,
Patna
3. The District Magistrate, Nalanda
4. The District Programme Officer (Establishment), District – Nalanda
5. The District Education Officer, Nalanda
6. The Block Development Officer, Sarmera, District – Nalanda,
7. The Block Education Parsar Officer, Sarmera Block, District –Nalanda
8. Smt. Milawa Devi at present Mukhiya Chero Panchayat, r/o Village- - chero,
P.S. – Sarmera, District – Nalanda
9. The Panchayat secretary, Chero Gram Panchayat, P.S. – Sarmera, District –
Nalanda
10. Sri Parmanand Sinha (the then counseling Member) at present Head Master,
High School Sarmera, P.S. – Sarmera, District – Nalanda
11. Chandra Bhanu Singh, son of Parmanand Sinha at present Primary Panchayat
Teacher Upgraded Middle School Brimadawan P.S. – Sarmera, District-
Nalanda

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sudish Kumar

For the Respondent/s : Mr. Prashant Pratap

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 15-05-2017

Writ application of the petitioner, who is the appellant
before this Court, has been dismissed on 29.08.2013, refusing to
interfere with the order, dated 12th of November, 2011, passed by
the District Teachers Employment Appellate Tribunal, Nalanda in
Case No. 233 of 2011. The Tribunal refused to interfere with the



cancellation of the appointment of the present appellant against which he preferred C. W. J. C. No. 22954 of 2011.

The Learned Single Judge after going through the records, the evidence and materials, was in agreement with the finding of the District Teachers Employment Appellate Tribunal that the appointment of the petitioner in the very first place was an illegal exercise. The private-respondent no. 11 had higher percentage of marks than the present appellant and his claim was wrongly defeated by appointing the petitioner. When the authorities examined the matter, they came in agreement with the grievance of the private-respondent 11 and it was ordered that he should be removed and private-respondent no. 11 be appointed.

From reading of the impugned order, dated 29.08.2013, it seems that all kind of controversies were sought to be raised with regard to the private-respondent by pointing fingers that some of the documents, he has used, was forged or that he had declared himself to be an EBC candidate, instead of BC candidate and he has also ticked the column for general candidate.

The findings are that all allegations are more made than made out. A desperate effort was made by the petitioner to defeat the legal claim of the private-respondent, but then the concurrent findings of fact with regard to the manner in which the appellant came to be appointed as well as the manner in which the right of the private-respondent was defeated, there is no reason for this Court to



disagree either with the finding of the Tribunal or the Learned Single Judge.

Appeal has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	16.05.2017
Transmission Date	

