

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2280 of 2015

IN

Civil Writ Jurisdiction Case No. 5753 of 2015

- =====
1. Tapan Kumar Bhattacharya, Son of Shambhu Nath Bhattacharya, Resident of village - Talipara, Post Office - Manihari, Police Station - Manihari, District - Katihar.
 2. Anit Kumar Rukhaiyar. Son of Late Ganesh Kumar Rukhaiyar. Resident of village - Simra Bagan Hidayaganj, Post Office - Mirchaibari, Police Station - Mirchaibari, District - Katihar.
 3. Komal Kumari. Daughter of Late Ganesh Kumar Rukhaiyar.
 4. Varsha Rani. Daughter of Late Ganesh Kumar Rukhaiyar.

Both petitioner nos. 2, 3 and 4 are resident of village - Simra Bagan Hidayaganj, Post Office - Mirchaibari, Police Station - Mirchaibari, District - Katihar.

.... Petitioners- Appellant/s

Versus

1. The State of Bihar through Director, Primary Education, Bihar, Patna.
2. The District Magistrate (Collector), Katihar.
3. The District Superintendent of Education Officer, (D.E.O.), Katihar.
4. The District Programme Officer, (Education) (Edu Nya), Katihar.
5. The Block Development Officer, Manihari, Katihar.
6. The Block Education Officer, Manihari, Katihar.
7. The Appellate Authority, Katihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sandeep Patil, Advocate

For the Respondent/s : Mr. Ajay Bihari Sinha, G.A.-8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 21-06-2017

Seeking exception to an order dated 06.05.2015 passed by the Writ Court in CWJC No.5753 of 2015; this appeal has been filed under Clause 10 of the Letters Patent.

The matter pertains to appointment as a teacher and the learned Writ Court after taking note of the order passed by the District



Teachers Employment Appellate Authority and the drastic change to the appointment Rule brought into force with effect from the year 2012 has refused to interfere into the matter. In doing so, the learned Writ Court has not committed any error warranting reconsideration.

Even though learned counsel for the appellants tried to indicate that in certain other cases, benefits have been granted to some employees, we find that merely on such consideration, once there has been change in the basic qualification etc. required for appointment to the post and when an Appellate Statutory Tribunal and the Writ Court have recorded the concurrent finding against the appellants, no case is made out for making any indulgence into the matter. The appeal is accordingly, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

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