

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1286 of 2014

IN

Civil Writ Jurisdiction Case No. 12516 of 2010

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Ganesh Pandit son of Sri Ramu Pandit R/o village - Khanpur, P.S. Hisua, District - Nawada

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The District Magistrate, Nawada
3. The District Superintendent of Education, District - Nawadah
4. The Block Development Officer, Hisua Block, Nawadah
5. Mukhiya, Chhatihar Gram Panchayat, P.S. Hisua, Nawada
6. The Panchayat Secretary, Gram Panchayat Chhatihar, Hisua Block, Nawadah
7. Sanjeev Kumar son of Sri Jagat Narayan Rawat R/o Village + P.O. Dhanwan, P.S. Hisua, District - Nawadah

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Krishna Kant Singh Advocate
For the State	:	Mr. Ashutosh Ranjan Pandey A.A.G.-15
For the private-respondent	:	Mr. Siya Ram Shahi Advocate Mr. Sunil Kumar Sharma Advocate Mr. Gopal Bohra 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: 28-06-2017

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

Vide order, dated 24.07.2014, the Learned Single Judge refused to interfere with the order of the District Teachers



Employment Appellate Tribunal, Nawada, who held the appointment of the private-respondent to be valid, and rejected the case, filed by the present appellant, looking for his reinstatement or appointment on the post of Panchayat Teacher.

There have been many rounds of litigations. Initial appointment of the present appellant was assailed by the private-respondent before the erstwhile Appellate Authority, the Block Development Officer, who held the appointment of the appellant to be bad, since the private-respondent had more merit and marks than the appellant. That order was implemented and, therefore, the appellant first went before the District Magistrate and then decided to come before the High Court.

In the earlier writ application the appellant was permitted to withdraw the writ application to move before the District Teachers Employment Appellate Tribunal, who was to decide the matter on merit. The Appellate Authority considered the case, the background to the dispute and refused to give any relief to the present appellant. Then the said order of the Tribunal, dated 08.07.2010, passed in Case No. 220 of 2010 was challenged before the Learned Single Judge. He also did not find any error in the adjudication made by the Tribunal.

The consistent finding by various authorities is that the present appellant was appointed on the post of Panchayat Teacher, ignoring the claim and the merit position of the private-respondent



obviously for extraneous reasons. One of the extraneous reasons, which seems to have emerged is that the appellant seems to have been related to the Mukhiya and, therefore, was shown more indulgence than the other meritorious candidates.

With the consistent and concurrent findings of fact, the Court is not inclined to interfere with the order of the Learned Single Judge, as the same is not suffered from any legal infirmity.

Appeal has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

SKM/-

AFR/NAFR	N.A.F.R.
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