

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1192 of 2013

IN

Civil Writ Jurisdiction Case No. 10587 of 2011

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Prafull Kumar Son Of Late Jayadrath Prasad Yadav Resident Of Village And P.O.
Tintanga Karari, P.S. Gopalpur, District - Bhagalpur

.... Appellant

Versus

1. The State Of Bihar
2. The District Superintendent Of Education, Bhagalpur
3. The Block Development Officer, Gopalpur, Bhagalpur
4. The Block Education, Extension Officer, Gopalpur, Bhagalpur
5. The Member, District Teach Employment Appellate Authority, Bhagalpur
6. The Mukhia, Gram Panchayat, Sukatia Bazar Prakhand - Gopalpur, District - Bhagalpur
7. The Gram Panchayat Sevak, Gram Panchayat Sukatia Bazar, Prakhand - Gopalpur, District - Bhagalpur
8. Sunil Kumar Sah Son Of Rudra Narain Sah Resident Of Village - Patenganj, P.O. Sukatia Bazar, P.S. Gopalpur, District - Bhagalpur

.... Respondents

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Appearance :

For the Appellant	:	Mr. Ram Sumiran Singh, Advocate
For the State	:	Mr. Aditya Nath Jha, AC to SC18
For Res. No.8	:	Mr. Rajesh Kumar Pandey, Advocate

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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: 13-01-2017

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

2. From the narration emerging from the impugned order, it is evident that the private respondent had higher marks than the appellant in matter of appointment as Panchayat Teacher. The appellant took a plea before the learned Single Judge that he had one to many certificates obtained simultaneously and, therefore, that is



good ground to set aside his appointment.

3. The learned Single Judge has rightly held that even the marks of the private respondent which form the basis for his appointment is higher than the appellant. So far as validity of the certificate used for begetting the employment is concerned, since that was not the matter of challenge, the Court has rightly observed that it is left open to the appellant to seek appropriate declaration.

4. The order impugned does not suffer from any infirmity in law. Appeal is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	NAFR
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