

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2172 of 2016
IN
Civil Writ Jurisdiction Case No. 8323 of 2013**

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1. Ashok Kumar Yadav Son Of Sri Ganga Yadav, Resident Of Village - Sisai, P.S.
and District - Saharsa.

.... Appellant/s

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department,
Government Of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The District Teachers Appointment Appellate Authority, Saharsa.
6. The Block Development Officer, Sattar Katiaiya, District - Saharsa.
7. The Mukhiya, Gram Panchayat , Aukahi, P.S. Bihra, District - Saharsa.
8. The Panchayat Secretary, Gram Panchayat Aukahi, P.S. Bihra, District -
Saharsa.
9. Sita Ram Kumar @ Sita Ram Yadav Son Of Sri Lakhan Yadav Resident Of
Village - Dumma, P.S. Bihra, District - Saharsa.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pramod Kr. Sinha, Advocate Mr. Arvind Kr. Sharma, Advocate Mr. Chetan Kumar, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey- AAG-15 Mr. Amrendra Kumar, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-05-2017

Seeking exception to an order dated 24.10.2016 passed
by the learned Writ Court in C.W.J.C. No.8323 of 2013, this appeal



has been filed under Clause 10 of the Letters Patent.

In the matter of appointment of a Panchayat Teacher, both the learned Writ Court and the District Teachers Appointment Appellate Authority have found that a more meritorious candidate has been appointed and with regard to marks for experience granted to the private respondent Shri Sita Ram Kumar @ Sita Ram Yadav, after due examination of the records, the Appellate Tribunal and the learned Writ Court have recorded a concurrent finding to say that the experience gained by him is proper and he has been granted marks for the experience correctly.

Even though learned counsel for the appellant invited our attention to I.A. No.9778 of 2016, certain information obtained by the appellant under the Right To Information Act on 10th of December, 2016 and tried to argue that the experience certificate or the experience gained by the respondent Shri Sita Ram Kumar @ Sita Ram Yadav is a fraudulent one, we find that when the matter was agitated before the Appellate Tribunal in the year 2011 and even when the matter was under consideration before the learned Writ Court, no such ground was canvassed and no such communication as is filed as Annexure A/1, dated 10th of December, 2016 was filed. This document itself was issued after the petition was decided on 24.10.2016.



That being so, finding the concurrent findings recorded by the Appellate Tribunal and the learned Writ Court to be in accordance with the material that was available on record, we see no reason to make any indulgence into the matter.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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