

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1458 of 2013

In

Civil Writ Jurisdiction Case No. 14128 of 2013

With

Interlocutory Application No. 8107 of 2013

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Pankaj Kumar son of Sri Lallan Prasad Yadav, resident of village- Baliya (Simar), P.S. Mahishi, District- Saharsa.

.... Appellant/s

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY, OLD SECRETARIAT, BIHAR, PATNA.
2. THE SECRETARY, PRIMARY EDUCATION, GOVT.OF BIHAR, PATNA.
3. THE COMMISSIONER, KOSHI DIVISION, SAHARSA.
4. THE DISTRICT MAGISTRATE, SAHARSA.
5. THE DISTRICT TEACHERS APPOINTMENT APPELLATE AUTHORITY, SAHARSA.
6. THE DISTRICT EDUCATION PROGRAMME OFFICER, (ESTABLISHMENT) SAHARSA.
7. THE BLOCK DEVELOPMENT OFFICER, MAHISHI, DISTRICT SAHARSA.
8. THE BLOCK EDUCATION OFFICER, MAHISHI, DISTRICT SAHARSA.
9. THE MUKHIYA, GRAM PANCHAYAT KUNDAH, P.S MAHISHI, DISTRICT SAHARSA.
10. THE PANCHAYAT SECRETARY, GRAM PANCHAYAT P.S MAHISHI, DISTRICT SAHARSA.
11. BINOD KUMAR BIMAL, S/O SRI GANESH PRASAD SAH, R/O GRAM PANCHAYAT KUNDAH, P.S MAHISHI, DISTRICT SAHARSA, PRESENTLY PANCHAYT TEACHER NAVSRIJIT PRIMARY SCHOOL, PRANPUR MUSAHARI TOLA, GRAM PANCHAYAT KUNDAH, P.S + BLOCK MAHISHI, DISTRICT SAHARSA.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarnath Jha

For the Respondent/s : Mr. K.P. Gupta

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

3 23-02-2017

Heard counsel for the appellant and the counsel for the



State.

Delay of two days in filing this appeal is condoned.

I.A. No. 8107 of 2013 is allowed. The matter is thereafter taken up on merits.

Vide order dated 26.7.2013, the learned Single Judge has dismissed the writ application refusing the prayer of the present appellant to give any direction for his appointment on the post of Panchayat teacher. It is the order of dismissal of the writ which is under challenge in this appeal.

The finding of the learned Single Judge is that the present appellant, who happened to be the petitioner, had obtained 46.11 per cent marks, whereas the private respondent no. 11 had obtained 55 per cent marks. The claim was made that the appellant should have been given 20 per cent weightage for his experience and since it was not given, he lost out against the private respondent no. 11.

The learned Single Judge has extracted relevant circular and opined that the claim of the appellant of not having been given weightage of 20 per cent is misplaced. Weightage of 20 marks was required to be given and not 20%. In addition to that there was no production of any experience certificate, envisaged under the rules, which could entitle him for giving 20 marks.



In the above background and consideration, the Court refused to interfere with the order of the Tribunal, which too had rejected the prayer of the appellant, for a direction, for appointment on the post of Panchayat teacher.

There is no infirmity in the order of the learned Single Judge either in fact or law. We are of the same opinion. This appeal is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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